

Agenda**Environmental Protection
Commission**

July 17, 1995

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

10:30 A.M.

Public Participation**APPOINTMENT:**

A.J. DeCoster (Item 14-a)

1:00 P.M.

Agenda topics

- | | | |
|------|---|----------------------------|
| 1. | Approve Agenda | |
| 2. | Approve Minutes of June 19, 1995 | |
| 3. | Director's Report | Larry Wilson (Information) |
| 4. | Monthly Financial Status Report | Stan Kuhn (Information) |
| 5. | TCD Contract Approval | Stan Kuhn (Decision) |
| 6. | Landfill Alternatives Financial Assistance Applications | Teresa Hay (Information) |
| 7. | Notice of Intended Action--Chapter 101, Rule Revisions - General Requirements Relating to Solid Waste Management and Disposal | Teresa Hay (Decision) |
| 7A - | Emer Rule - Spring Disposition | |
| 8. | Monthly Reports | Allan Stokes (Information) |
| 9. | Contract Approval - Air Quality Permit Issuance | Allan Stokes (Decision) |
| 10. | Proposed Rule--Chapter 40 and 43, Water Supply Permit Fees | Allan Stokes (Information) |
| 11. | Notice of Intended Action--Chapter 135, Underground Storage Tanks | Allan Stokes (Decision) |
| 12. | Notice of Intended Action--Chapter 47, Grants to Counties | Allan Stokes (Decision) |
| 13. | Final Rule--Chapter 117, Waste Tires | Allan Stokes (Decision) |

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14. Referrals to the Attorney General
 - a) A.J. DeCoster (Wright County)
 - b) Harold Lee (Keokuk County)
 - c) Ron Mumby (Iowa County)
 - d) Jody Beaver (Cedar County)
 - e) ESCORP. Associates, Ltd. et.al. (DeWitt and Ft. Madison)
15. General Discussion
16. Address Items for Next Meeting

Allan Stokes (Decision)

Next Meeting Dates

August 21, 1995

September 18, 1995

October 16, 1995

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 17, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Jay Hansen	Farm Bureau	Hudson
Jodi Chapman	WHD Radio	DSM
Jane McAllister	Ahlers Law Firm	DSM
Christophe D. Hess	U.S. EPA	Kansas City
TOM SEERY	Associated Press	D.M.
Melissa Pugh	Lee News	DSM
Amy Christensen	Sullivan & Ward	DM
MARK R FRIEDOW	IPA	AMES
Angie DeGooyer	IPA	AMES
Jeff Hara	GSM	AMES
SUE ATKINSON	Iowa View	BAXTER
Bobbie Thomas	ETCCF	State Center
Mary Todd	Boone & Polk Co. Big Creek Environmental Protection Group	Madrid
Robin Fortney	Midwest Power	DM
Izela R Crispin	1983 280 th St Madrid, Ia (Family Farmers)	Hartford/Earle area
Charlotte Smith		
Pam Hunt	121 E. GRAND	MONTICELLO, Ia

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 17, 1995

NAME

COMPANY OR AGENCY

CITY

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Caroline McNAMAR

Hartford City

Hartford, Ia

Louise Hamilton

Eldon, Ia

Iowa

Justine Kibb

ICCI supporter

New York

Leon Sheets

Pork Prod

~~Fun, Texas~~
Renark

Harold Trout

Park prod

Renewal Co.

Larrell Ziemer

Boonie Lotz

R. O. 1

DALE BELLINGER

RESIDENT

ELUSTON IIA

Linda Kading

IAMU

Ankeny.

Randy Beavers

DM Water Works

Des Moines

Lindsey Jara

Grind Ag Com

Jefferson

Sandra O'Rourke

Imra Watch on Infectious Waste

Fairfield

Marie Zenack

"

"

Babara Dickins

"

"

Helen F. Mahler

Shera Club

Des Moines

John Fagan

—

Sydney, Austral

Stephen Lawrence

GARY Hoskey

Family Farmer

Montour, Iowa 501

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 17, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Shirley Cof
Alice Linter

Eldon, Ia.
Rhodes Ia

Yl Lhy

Estherville Ia

Earl Zime

Radcliffe Ia

Larry Linter

Rhodes, Ia

Steven RECTOR, M.D.

Fairfield Ia

Dan Reister Ph.D. Fairfield IA

Rogers BADGETT

The RAJ Resort, Fairfield Ia

Juli Weeberger

Klamme,

Scott Young

Bryan Cave

KC MO

DAN VEST

GROWMARK, INC

Bloomington, IL

Shirley Peña

UAW 997, Socialist
Workers Party
WGI-TV 300 E. Locust

Des Moines, IA.

Des Moines 50309

CAL WOODS

John HAVENS

Ia Med Waste
R.D. IL.

C.R. Ia.

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 17, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Blaine & Melvina Nicklas	Clarion, Iowa	50535
Barb Pauls	Eldon IA	52554
Kathy Stockdale	Iowa Falls, Iowa	50126
Marty Reif	Provision Fire	Des Moines 50309
David Jennings	Ellston IA	50074
Phil Lehman	Slater Ia	
John Eichelberger	Stanley, Landet Hunter	Muscatine, IA
Debbie Neustadt		
STEVE BUTER	IES Industries	Cedar Rapids
Jack DeCoster	DeCoster Farms	Galt
William Sidney Smith	Smith Wimer Scalise	Des Moines
Joan Denton	Smith Wimer Scalise	Des Moines
Everett Hickman	WHD Radio News	Des Moines
Mike Blum	Tanaka	D.M.
Rd Dault	CR Gazette	
Jerry Perkins	D.M. Register	D.M.
Sandy Greiner		

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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JULY 17, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, July 17, 1995, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
Kathryn Draeger
William Ehm
Michael Fesler
Rozanne King, Chair
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe, Vice-Chair
Terrance Townsend

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Item # 7-A, Petition for Rulemaking--Chapter 65, Spray Irrigation of Animal Manure
- Director Wilson noted that Allan Stokes will include a presentation on medical waste incinerators during Item #8, Monthly Reports.

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Charlotte Mohr to approve the meeting minutes of June 19, 1995, as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, reported on the Midwest Low Level Radioactive Waste Compact Commission (MLLRWC) reviewing the establishment and history of the Compact. He noted that Ohio adopted enabling legislation into law on June 8, 1995. That legislation includes amendments to the MLLRWC and establishes a siting process and criteria for the regional disposal facility that will be located in Ohio. The disposal facility is expected to open in ten years. Director Wilson related that the Compact amendments will be introduced to the Iowa legislature in 1996. He read a list of the amendments and indicated that he will provide the Commission with a copy of the list. Director Wilson noted that Teresa Hay will hold a series of meetings with a public group that has been appointed to participate in the MLLRWC activities. He added that any amendments set forth by the state of Ohio will have to be adopted verbatim by the Iowa legislature in order for Iowa to remain a partner in the Compact. He indicated that as the department moves through the year preparing for the 1996 legislative session some of the Commission members will be asked to play a part in the committee meetings.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

A division level expenditure status report will be sent to commissioners early during the first week of July. In place of the standard end-of-month actual status is the estimated actual total expenditures for FY95. This estimate is based on actual expenditures through June 30, plus an estimate of remaining obligations related to FY95 which will be paid during July and August. The totals for Personal Services are the actual cost of 26 payrolls for FY95 compared to the 26 payrolls budgeted. As previously explained, the State is charging an extra, 27th payroll to FY95, which was not originally budgeted, in order to bring payroll practices into compliance with GAAP. This extra payroll is not included in the FY95 estimate so that the actual total can be more readily compared with the initial FY95 budgeted amount. Later reports will include this payroll.

The FY96 division level operating budget by division is included in a manner which facilitates comparison with the related FY95 actual estimated, FY95 budget, and actual FY94 amounts.

Staff will present related information regarding this report and initial steps by the DNR to develop the FY97 and FY98 budget requests to the Governor and the next General Assembly.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY94	Budget FY95	FY95 Est. Act		Budget FY96
			Est. Actual FY95	Under(Over) FY95 Budget	
PERS SERV	941,578	970,715	960,672	10,043	1,038,827
PERS TRV IN	36,778	53,100	46,000	7,100	54,282
STATE VEHICL	4,347	7,931	4,400	3,531	7,431
DEPRECIATION	7,755	12,640	8,000	4,640	12,640
PERS TRV OUT	8,273	9,500	11,000	(1,500)	9,500
OFF SUPPLY	75,525	104,076	87,000	17,076	76,600
FAC MAINT SU	1,028	6,000	3,000	3,000	31,000
EQUIP MAINT	3,540	6,850	4,500	2,350	6,850
OTHER SUPPLY	39,327	65,899	75,000	(9,101)	58,400
PRINT & BIND	299,648	293,510	270,000	23,510	325,944
UNIFORMS	306	2,150	1,500	650	2,150
COMMUNICATIO	22,957	26,900	27,000	(100)	25,800
RENTALS	1,287	1,500	1,700	(200)	2,000
UTILITIES	218	750	500	250	750
PROF SERV	89,165	70,568	55,000	15,568	80,070
OUTSIDE SERV	25,614	28,550	27,000	1,550	26,550
ADVER PUB	0	6,000	500	5,500	5,000
DATA PROC	13,979	14,050	7,800	6,250	14,050
REIMBURSMENT	2,060	6,175	4,200	1,975	6,175
EQUIPMENT	34,828	30,724	30,000	724	29,724
OTHER EXP	100	2,600	500	2,100	2,600
	<u>1,608,313</u>	<u>1,720,188</u>	<u>1,625,272</u>	<u>94,916</u>	<u>1,816,343</u>

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	FY95 Est. Act Under(Over) FY95 Budget	
				Budget FY96	
PERS SERV	3,544,312	3,598,211	3,562,352	35,859	3,729,059
PERS TRV IN	36,797	48,050	36,000	12,050	42,850
STATE VEHICL	48,733	57,000	50,000	7,000	55,000
DEPRECIATION	145,319	80,500	70,000	10,500	75,500
PERS TRV OUT	4,784	7,300	7,500	(200)	8,500
OFF SUPPLY	314,207	315,255	345,000	(29,745)	357,500
FAC MAINT SU	2,091	21,000	2,500	18,500	16,000
EQUIP MAINT	45,040	52,000	45,000	7,000	57,000
OTHER SUPPLY	8,005	14,300	16,000	(1,700)	14,000
PRINT & BIND	21,116	14,500	25,000	(10,500)	16,000
UNIFORMS	2,460	2,500	6,000	(3,500)	2,500
COMMUNICATIO	98,778	97,100	98,000	(900)	102,100
RENTALS	503	500	500	0	500
UTILITIES	527	0	300	(300)	300
PROF SERV	62,018	40,000	50,000	(10,000)	60,000
OUTSIDE SERV	28,369	73,650	50,000	23,650	90,650
ADVER PUB	0	500	250	250	500
DATA PROC	188,477	97,000	50,000	47,000	81,000
AUDITOR REIM	163,645	160,000	175,000	(15,000)	185,000
REIMBURSMEN	183,548	117,150	175,000	(57,850)	118,650
EQUIPMENT	173,698	158,508	200,000	(41,492)	169,500
OTHER EXP	383,632	165,320	15,000	150,320	100,000
LICENSES	0	50	50	0	50
	5,456,059	5,120,394	4,979,452	140,942	5,282,159

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	FY95 Est. Act		
			Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	4,378,069	4,818,078	4,824,995	(6,917)	4,555,104
SEASONAL HELP	1,278,892	1,345,012	1,331,210	13,802	1,298,094
PERS TRV IN	72,376	57,274	70,000	(12,726)	58,550
STATE VEHICL	212,137	204,800	223,000	(18,200)	200,460
DEPRECIATION	304,490	296,900	294,000	2,900	304,150
PERS TRV OUT	4,998	7,585	4,700	2,885	7,585
OFF SUPPLY	33,046	35,700	60,000	(24,300)	37,200
FAC MAINT SU	500,824	479,500	575,000	(95,500)	570,409
EQUIP MAINT	400,521	286,749	345,000	(58,251)	312,298
AG CONS SUPP	67,853	26,792	50,000	(23,208)	34,035
OTHER SUPPLY	39,315	36,194	38,000	(1,806)	43,600
PRINT & BIND	54,853	24,000	27,000	(3,000)	28,000
UNIFORMS	31,530	31,577	35,000	(3,423)	34,077
COMMUNICATIO	98,313	98,002	98,000	2	105,250
RENTALS	37,023	34,900	37,500	(2,600)	38,050
UTILITIES	432,202	401,951	427,000	(25,049)	423,200
PROF SERV	97,181	62,408	40,000	22,408	105,165
OUTSIDE SERV	221,882	179,852	220,000	(40,148)	203,852
ADVER PUB	1,070	1,050	2,500	(1,450)	1,050
DATA PROC	4,555	5,000	3,000	2,000	5,000
REIMBURSMENT	7,084	2,425	6,000	(3,575)	7,375
EQUIPMENT	203,645	202,000	250,000	(48,000)	210,500
OTHER EXP	776	4,700	100	4,600	2,700
LICENSES	512	697	200	497	697
	8,483,147	8,643,146	8,962,205	(319,059)	8,586,401

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	FY95 Est. Act		
			Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	1,700,668	1,762,827	1,720,567	42,260	1,804,191
SEASONAL HELP	93,663	110,874	77,784	33,090	122,976
PERS TRV IN	34,236	43,500	38,000	5,500	42,800
STATE VEHICL	68,031	91,000	66,500	24,500	86,500
DEPRECIATION	133,145	139,700	135,000	4,700	138,500
PERS TRV OUT	7,996	9,300	7,200	2,100	8,800
OFF SUPPLY	16,770	20,300	27,500	(7,200)	25,870
FAC MAINT SU	50,454	44,000	43,000	1,000	33,500
EQUIP MAINT	59,574	57,000	56,500	500	49,000
AG CONS SUPP	130,342	144,000	110,000	34,000	113,000
OTHER SUPPLY	39,763	39,900	15,000	24,900	19,900
PRINT & BIND	5,909	15,500	4,200	11,300	26,200
UNIFORMS	8,066	15,600	11,000	4,600	14,300
COMMUNICATIO	31,170	43,669	37,500	6,169	39,669
RENTALS	34,925	36,000	36,000	0	38,000
UTILITIES	28,690	37,000	31,000	6,000	36,800
PROF SERV	0	500	18,000	(17,500)	8,820
OUTSIDE SERV	59,777	68,500	45,000	23,500	60,820
ADVER PUB	406	2,000	250	1,750	2,000
DATA PROC	19,776	3,300	800	2,500	2,000
REIMBURSMENT	918	550	3,100	(2,550)	550
EQUIPMENT	74,077	115,931	135,000	(19,069)	71,861
	<u>2,598,356</u>	<u>2,800,951</u>	<u>2,618,901</u>	<u>182,050</u>	<u>2,746,057</u>

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	FY95 Est. Act		
			Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	2,254,092	2,396,255	2,237,335	158,920	2,445,164
PERS TRV IN	20,252	39,893	21,000	18,893	51,756
STATE VEHICL	12,298	19,000	12,000	7,000	14,000
DEPRECIATION	25,560	30,500	19,500	11,000	20,000
PERS TRV OUT	41,042	66,696	50,000	16,696	68,787
OFF SUPPLY	30,407	34,560	31,000	3,560	36,105
FAC MAINT SU	2,284	1,700	750	950	2,200
EQUIP MAINT	3,212	8,350	3,500	4,850	6,550
PROF SUPPLY	977	5,121	1,100	4,021	3,280
OTHER SUPPLY	21,530	36,953	31,000	5,953	61,561
PRINT & BIND	31,317	49,700	32,000	17,700	48,300
UNIFORMS	0	1,000	750	250	1,000
COMMUNICATIO	40,457	45,850	41,000	4,850	46,428
RENTALS	2,194	500	3,000	(2,500)	3,100
UTILITIES	19,980	18,400	19,000	(600)	16,400
PROF SERV	767,256	1,352,826	900,000	452,826	1,955,824
OUTSIDE SERV	21,166	75,677	50,000	25,677	134,270
ADVER PUB	460	0	500	(500)	1,000
DATA PROC	13,584	22,900	500	22,400	19,530
REIMBURSEMENT	5,306	7,330	6,200	1,130	6,635
EQUIPMENT	94,217	105,945	120,000	(14,055)	158,381
OTHER EXP	4,639	25,409	7,000	18,409	4,742
	3,412,230	4,344,565	3,587,135	757,430	5,105,013

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	FY95 Est. Act Under(Over) FY95 Budget	
				Budget FY96	
PERS SERV	7,539,956	8,584,860	7,809,632	775,228	9,486,078
PERS TRV IN	52,321	143,000	57,000	86,000	126,900
STATE VEHICL	38,614	48,500	45,000	3,500	52,500
DEPRECIATION	62,205	70,500	60,000	10,500	76,500
PERS TRV OUT	68,533	165,114	76,000	89,114	193,332
OFF SUPPLY	75,264	110,469	91,000	19,469	127,457
FAC MAINT SU	989	8,600	5,000	3,600	4,300
EQUIP MAINT	14,440	17,000	16,000	1,000	19,750
PROF SUPPLY	0	1,350	200	1,150	51,250
OTHER SUPPLY	21,959	44,050	18,000	26,050	46,300
PRINT & BIND	58,487	82,050	75,000	7,050	109,600
UNIFORMS	1,992	4,500	4,700	(200)	7,600
COMMUNICATIO	150,998	162,600	170,000	(7,400)	177,100
RENTALS	65,589	66,500	96,000	(29,500)	119,500
UTILITIES	17,622	24,811	19,000	5,811	24,811
PROF SERV	1,441,690	5,067,139	2,600,000	2,467,139	6,675,110
OUTSIDE SERV	84,580	71,080	100,000	(28,920)	91,446
INTRA TRANSF	0	404,000	404,000	0	0
ADVER PUB	6,536	10,600	6,500	4,100	12,900
DATA PROC	165,651	239,206	190,000	49,206	216,606
REIMBURSMENT	23,854	45,650	60,000	(14,350)	67,350
EQUIPMENT	323,387	2,772,339	850,000	1,922,339	1,732,191
OTHER EXP	8,650	23,250	20,000	3,250	12,720
	10,223,317	18,167,168	12,773,032	5,394,136	19,431,301

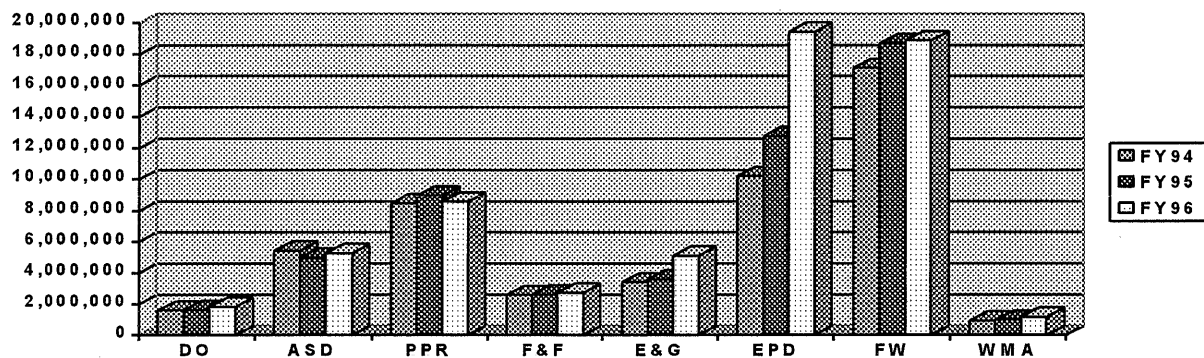
FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	FY95 Est. Act	Budget FY96
				Under(Over) FY95 Budget	
PERS SERV	11,725,190	11,802,780	11,933,062	(130,282)	12,227,973
SEASONAL HELP	621,243	781,508	720,455	61,053	802,414
PERS TRV IN	345,439	351,280	360,000	(8,720)	355,522
STATE VEHICL	505,451	497,386	552,000	(54,614)	506,700
DEPRECIATION	678,010	754,723	700,000	54,723	753,316
PERS TRV OUT	30,179	40,400	35,000	5,400	48,400
OFF SUPPLY	329,984	334,118	300,000	34,118	303,668
FAC MAINT SU	401,632	491,580	325,000	166,580	458,687
EQUIP MAINT	361,965	350,436	425,000	(74,564)	350,836
AG CONS SUPP	294,457	382,075	325,000	57,075	366,258
OTHER SUPPLY	152,016	105,707	160,000	(54,293)	113,577
PRINT & BIND	157,197	224,375	190,000	34,375	283,625
UNIFORMS	106,426	134,675	130,000	4,675	132,575
COMMUNICATIO	236,569	207,200	335,000	(127,800)	204,100
RENTALS	56,926	73,535	58,000	15,535	65,035
UTILITIES	212,848	226,116	215,000	11,116	242,216
PROF SERV	134,334	411,009	335,000	76,009	392,780
OUTSIDE SERV	207,047	162,812	200,000	(37,188)	170,362
ADVER PUB	2,024	2,600	1,800	800	2,600
DATA PROC	69,538	54,000	76,000	(22,000)	64,000
REIMBURSMENT	68,912	68,450	68,000	450	68,450
EQUIPMENT	439,667	1,258,954	1,200,000	58,954	951,034
OTHER EXP	1,897	600	44,000	(43,400)	34,353
LICENSES	46	300	1,500	(1,200)	300
	17,138,997	18,716,619	18,689,817	26,802	18,898,781

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	FY95 Est. Act	
				Under(Over) FY95 Budget	Budget FY96
PERS SERV	710,567	750,557	733,330	17,227	763,510
PERS TRV IN	27,240	34,300	30,000	4,300	48,464
PERS TRV OUT	22,096	47,200	20,000	27,200	27,915
OFF SUPPLY	6,849	26,200	10,000	16,200	32,030
EQUIP MAINT	0	3,150	600	2,550	1,900
OTHER SUPPLY	7,665	5,585	24,000	(18,415)	29,761
PRINT & BIND	31,417	51,324	30,000	21,324	61,258
UNIFORMS	0	100	0	100	0
COMMUNICATIO	14,989	17,500	14,500	3,000	16,000
RENTALS	889	1,550	750	800	800
PROF SERV	66,367	118,411	90,000	28,411	93,272
OUTSIDE SERV	9,218	14,300	7,500	6,800	9,886
ADVER PUB	1,614	2,600	100	2,500	13,500
DATA PROC	7,270	7,600	4,500	3,100	4,750
REIMBURSEMENT	16,575	23,100	20,000	3,100	15,110
EQUIPMENT	0	15,700	15,700	0	63,400
OTHER EXP	4,639	5,700	6,500	(800)	6,400
	927,395	1,124,877	1,007,480	117,397	1,187,956

Division Expenditure Comparison, FY94, FY95 & FY96 Budget



Mr. Kuhn noted that the actual estimate for the entire fiscal year is shown this month. Also included is the initial budget numbers for FY 96, by division, for operations. He added that next month he will present the outline of the department's budget request for the next legislative session.

INFORMATIONAL ONLY

TOXIC CLEANUP DAY CONTRACT APPROVAL

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Proposals were solicited from forty-six hazardous waste firms that had previously indicated their interest in handling toxic waste cleanup events. After careful evaluation, the top three firms were selected from the eight proposals that were submitted for consideration.

The proposals are evaluated on a number of criteria, ability to adequately staff the collection sites, provide proper safety measures and cost. Cost was evaluated by a schedule of fees and a cost estimate for a hypothetical collection event (provided in the RFP).

After further review of the Laidlaw, Clean Harbors and Philip Environmental proposals, Laidlaw Environmental Services, Inc. provided a more complete document. Laidlaw included a detailed safety plan and general operating procedures, policy for handling of non-hazardous materials and a contingency plan for waste not licensed to handle. The Philip and Clean Harbors proposals included all of the required information but failed to provide the level of detail of the Laidlaw proposal. Laidlaw would also handle most of the waste collected in their own facilities as opposed to sending the waste elsewhere for disposal. They were also the only contractor to emphasize reuse and recovery of wastes instead of sending it to a landfill.

The Laidlaw bid was the lowest of the three for the hypothetical event. This fact, coupled with the high marks that they received in the technical categories for running a household hazardous waste collection event, would make them the best possible choice for Toxic Cleanup Day events to be held in fiscal year 1996.

The firms and their quotes on a hypothetical cleanup day event are as follows:

Laidlaw Environmental Services, Inc.	\$12,908
Clean Harbors Environmental Services, Inc.	\$13,760
Philip Environmental	\$23,633

The total cost of the collection events is estimated to be up to \$307,000. The Department will pay up to \$ 301,150 of this cost, with the remainder of the cost being paid by the local communities.

The Toxic Cleanup Day schedule for this Fall is as follows:

September 16, 1995

Grundy County
Grundy County Fairgrounds
Grundy Center, Iowa

Tama County
South Tama County High School
Tama, Iowa

September 23, 1995

Linn County
Bluestem Landfill Number Two
Marion, Iowa

September 30, 1995

Guthrie County
Guthrie Center Fairgrounds
Guthrie Center, Iowa

Shelby County
Shelby County Fairgrounds
Harlan, Iowa

October 7, 1995

Harrison County
Harrison County Fairgrounds
Missouri Valley, Iowa

A draft scope of work for the contractor is attached. Approval for the director to enter into a contract with Heritage Environmental Services, Inc. is requested.

Mr. Kuhn explained the process used in screening the proposals. He presented details of the contract and noted that staff recommends Laidlaw Environmental Services, Inc. for the job.

Motion was made by Terrance Townsend to approve a contract with Laidlaw Environmental Services, Inc. for the Fall 1995 Toxic Cleanup Days events at a cost of \$301,150. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Thirty-eight (38) applications were received for consideration during the June 1995 round of funding. Nearly \$7 million was requested in funding assistance. Approximately \$1.2 million dollars is available to award to selected applicants.

A summary of applications received is attached for the Commission's information. Application review is scheduled to be completed by the end of July, 1995. Awards will be announced in August. It is anticipated that contracts will be presented to the Commission for approval at the September 1995 meeting.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM APPLICATIONS RECEIVED - JUNE 1995 ROUND

The following table and proposed project summaries were prepared after a brief overview of applications submitted for funding consideration. The type of financial assistance requested (grant vs. loan) is as the application was submitted. Thirty-eight (38) applications were received with a total request amount of nearly \$7 million.

Applications Received By Applicant Type	# Received	Request Amount
Local Government	6	\$ 419,717
Private For Profit	25	\$ 5,716,763
Private Not For Profit	7	\$841,892
Applications Received By Project Type	# Received	Request Amount
Education	6	\$ 231,550
Waste Reduction	15	\$ 2,410,244
Research and Development or Demonstration	10	\$ 2,381,235
Zero Interest Loan	7	\$ 1,955,343

Application 1: Tasler Pallet & EPS, Inc. -- Ron Jones -- 515-832-5200

P.O. Box 622
Webster City, Iowa 50595
Hamilton County

Request: \$ 321,750 - Loan

Applicant: Private For Profit

Description: To expand the pallet recycling division of the pallet manufacturing company in response to existing market demand for increased purchase of recycled pallets. The goal of the project is to double the number of recycled pallets sold representing an increase of 12,600 tons of reclaimed wooden pallets. The applicant is requesting financial assistance for the purchase of a pallet assembler.

Application 2: Hawkeye Valley Area Agency on Aging -- Shirley Merner -- 319-233-5214

2101 Kimball, Suite 320
Waterloo, Iowa 50702
Black Hawk County

Request: \$ 23,652 - Grant

Applicant:	Private Not For Profit
Description:	The applicant is proposing to replace 3 compartment styrofoam meal tray containers with plastic, reusable meal trays. In FY94, 184,002 meals were delivered throughout 10 counties of north central and east central Iowa. Under the current program, each home delivered meal consists of two (2) styrofoam containers, one for hot foods and another container for cold foods. Applicant estimates that approximately 2,506 cubic feet of solid waste will be diverted from area landfills annually. Grant assistance is requested for the purchase of reusable meal trays.
Application 3:	R. C. Recycling Services -- Richard Armstrong -- 515-484-5438 206 West Marshall Street Toledo, Iowa 52342 Tama County
Request:	\$ 204,770 - Loan
Applicant:	Private For Profit
Description:	The applicant is proposing to implement a comprehensive recycling program including: residential curbside, rural collection, collection from commercial and industrial generators, the Meskwaki Indian Settlement and the Meskwaki Bingo and Casino Complex. The proposed project includes the construction of a processing and storage facility for collected materials. Financial assistance is requested for building construction and equipment
Application 4:	Johnson County Recycling Center -- Dennis Rogers -- 319-338-5620 110 Seventh Street Coralville, Iowa 52241 Johnson County
Request:	\$ 156,430 - Grant
Applicant:	Private For Profit
Description:	The proposed project, to serve Johnson County, involves collection and recycling of 3 types of vinyl and OCC from a local generator and the spotting of trailers at residential construction sites throughout the county to assist the contractors in recycling OCC from the construction sites. The applicant will also spot two recycling drop-off trailers in small communities for the collection of recyclables from the general public. The applicant is seeking financial assistance for expansion of the existing recyclables storage building and recycling trailers.
Application 5:	Tire-Tech Environmental Services -- Lester Taylor -- 319-264-3608 102 West Second Street, Suite 3 Muscatine, Iowa 52761 Muscatine County
Request:	\$ 210,945 - Loan
Applicant:	Private For Profit
Description:	The applicant is proposing to expand existing scrap tire collection and processing operations. Scrap tires are collected throughout Iowa, western Illinois and northern Missouri. The tires are brought to the applicant's facility for processing into 1 inch chips then sold to a local market for use as TDF. Financial assistance is requested for equipment, wages and improved electrical service to the facility.
Application 6:	Butler County Solid Waste Commission -- Dennis Rops -- 319-267-2630 25251 Hwy. 3 Allison, Iowa 50602 Butler County
Request:	\$ 127,300 - Loan
Applicant:	Local Government
Description:	The applicant is proposing to construct a limited processing recycling center at the county's

transfer station and place drop-off containers for recyclables in each incorporated city in Butler County (10 communities). The applicant is requesting financial assistance for the center's concrete floor and deck, drop-off containers and equipment.

Application 7: Town and Country Recycling -- Brad Beyenhof -- 712-472-2493

809 North 2nd Avenue East

Rock Rapids, Iowa 51246

Lyon County

Request: \$ 293,914.33 - Grant

Applicant: Private For Profit

Description: The applicant is proposing to institute a program to pick-up recyclable materials from all rural residents in Lyon and Osceola Counties that are not currently offered this service (approximately 2,482 residences). Recyclables from urban and rural commercial and industrial generators will also be offered. Financial assistance is requested for building construction, vehicles and equipment.

Application 8: Top Notch Enterprises, Inc. -- Robert Harms -- 515-847-2762

318 State Street

Ackley, Iowa 50601

Hardin County

Request: \$ 22,264.32 - Grant

Applicant: Private For Profit

Description: The proposed project involves the purchase of additional equipment, vehicle and remodeling an existing building with financial assistance. The applicant collects used wooden pallets for reuse and recycling from four (4) counties in north central Iowa. Those in need of repair are refurbished and marketed. With the project, the applicant proposes to divert 1,800 ton of used wooden pallets from the landfill annually.

Application 9: Davis County Environmental Health -- Don Herteen -- 515-664-3629

105 S. Pine

Bloomfield, Iowa 52537

Davis County

Request: \$ 15,600 - Grant

Applicant: Local Government

Description: The applicant is proposing to develop an education program targeting small businesses, industry, schools, hospitals and retail outlets on recycling within Davis County. Targeted entities currently have low recycling participation. Grant monies are requested to assist in funding wages and mileage reimbursement.

Application 10: Iowa Valley Community College District -- Bettie Bolar -- 515-752-4645

3702 South Center Street

Marshalltown, Iowa 50158

Marshall County

Request: \$ 78,968 - Grant

Applicant: Private Not For Profit

Description: The project, serving Marshall and Hardin Counties, will provide a wide range of education and activities designed to raise the awareness and understanding of individuals of the need for waste reduction and reuse/recycling as solid waste management methods. Target audiences include families with school age children, small business and industry, multi-family dwelling unit owners and tenants and new residents to the counties. The applicant is requesting grant assistance for education program development and implementation including wages, travel, supplies, material preparation and distribution.

Application 11:	Buena Vista County Solid Waste Commission - Ellsworth Jeppeson -- 712-732-7171 1247 630th Street Storm Lake, Iowa 50588 Buena Vista County
Request:	\$ 143,710 - Loan
Applicant:	Local Government
Description:	The applicant is seeking financial assistance to complete an expansion of the recycling center located at the existing transfer station. Primary goal of the project is to reduce the amount of paper and paper products from entering the landfill. Financial assistance is requested to complete a building addition and the purchase of an endloader and dump truck.
Application 12:	Spectrum Industries -- Heidi Swets -- 319-382-8401 105 Railroad Avenue Decorah, Iowa 52101 Winneshiek County
Request:	\$ 1,215 - Grant
Applicant:	Private Not For Profit
Description:	The project involves purchasing a professionally constructed, durable and adaptable display unit to enhance current education programs. The portable, tabletop display unit will be used for an array of interchangeable title graphics, photographs, diagrams, etc. on waste reduction and recycling. The applicant will use financial assistance for the purchase of the display unit.
Application 13:	Skumatz Economic Research Associates -- Lisa Skumatz -- 206-624-8508 1511 Third Avenue, Suite 1018 Seattle, Washington 98101
Request:	\$ 32,000 - Grant
Applicant:	Private For Profit
Description:	The applicant proposes to implement an in-depth capture rate, recycling cost effectiveness and diversion study for the various types of recycling programs currently in place across Iowa. The study will provide specific implementable information on program features and the associated costs to help Iowa communities determine what program design or refinements might make sense. Grant assistance is requested for wages
Application 14:	Skumatz Economic Research Associates -- Lisa Skumatz -- 206-624-8508 1511 Third Avenue, Suite 1018 Seattle, Washington 98101
Request:	\$ 188,000 - Grant (\$126,000) and Loan (\$42,000)
Applicant:	Private For Profit
Description:	The applicant, in cooperation with Fremont County Waste Systems, is proposing to implement a weight based collection pilot project in 4 communities in Fremont County (Cities of Farragut, Riverton, Sidney and Hamburg). The project will use certified weight-based systems to collect performance information and provide local and realistic information to communities in Iowa about the amount of waste that could be reduced and diverted through a weight-based incentive program. Grant assistance is requested for wages, materials and equipment. Loan assistance is requested for equipment and solid waste container identification "tags".
Application 15:	New Horizons Environmental Tire Recyclers, Inc. -- Brett Ohm -- 515-394-5294 2135 200th Street New Hampton, Iowa 50659 Chickasaw County
Request:	\$ 200,000 - Loan
Applicant:	Private For Profit

Description:	The applicant is proposing to collect and process scrap tires and market 2 inch chips and granulated rubber. The applicant proposes to use a portable shredder to travel to tire pile sites as well as establish collection sites located around the state. The facility will be located in Charles City, Floyd County and serve all of Iowa. Financial assistance is requested for the purchase of a portable shredder and tire cutter.
Application 16:	Midwest Recycling Center, Inc. -- Michael Haas -- 319-852-7694 986 Nixon Street Cascade, Iowa 52033 Dubuque County
Request:	\$ 25,000 - Grant
Applicant:	Private For Profit
Description:	The proposed project involves the incorporation of a particleizer granulator for processing tire peelings and chips into a uniform size for use in the applicant's operations. The applicant procures scrap rubber statewide and produces livestock bedding and playground material from scrap rubber. Financial assistance is requested for the purchase and installation of a granulator.
Application 17:	JaiTire Industries, Inc. -- Tom Balkum -- 303-322-7887 4591 Ivy Street Denver, Colorado 80216
Request:	\$ 64,610 - Grant
Applicant:	Private For Profit
Description:	The applicant proposes to conduct a study on the benefits of using Rebound [®] Top Dressing on established, healthy turf. Rebound [®] Top Dressing is granulated rubber from scrap tires. The product is applied over top of grass for the purpose of protecting the turf and reduce the grass's moisture needs. The study will be conducted with cooperation of the City of Ames, Ames Youth Sports Complex. To implement this project, over 10,000 scrap tires and 30 tons of compost will be purchased from Iowa vendors. Grant assistance is requested for travel, materials purchase and installation expenses.
Application 18:	RIMADE Shredding -- Dean Drees -- 712-669-3388 15876 280 Street Manning, Iowa 51455 Carroll County
Request:	\$ 300,000 - Loan
Applicant:	Private For Profit
Description:	The proposed project consists of establishing a portable shredding service in central and western Iowa and eastern Nebraska. Targeted materials include scrap tires, demolition site material and disaster debris including size reduction (i.e., tree stumps). The applicant is located in the City of Manning, Carroll County and is requesting financial assistance for equipment and wages.
Application 19:	Carroll County Solid Waste Management Commission -- Jim Ulveling -- 712-792-5001 R.R. 3, Box 17 Carroll, Iowa 51401 Carroll County
Request:	\$ 29,250 - Grant
Applicant:	Local Government
Description:	The applicant processes recyclables from six (6) counties in west central Iowa. The project proposes to replace two plastic granulators (one processing HDPE natural and the other HDPE colored) with a prototype granulator that "punches" plastic containers into flakes rather than grinding them. The proposed granulator will be capable of processing both

natural and colored HDPE simultaneously as well as significantly reduce noise and dust. Grant assistance is requested for the purchase and installation of equipment.

Application 20: Cryotech Deicing Tech./Bioengineering Resources, Inc. - James Gaddy - 501-521-2745
1650 Emmaus Road

Fayetteville, Arkansas 72701

Request: \$530,280 - Grant

Applicant: Private For Profit

Description: The joint application proposes to construct a facility and implement technology capable of producing acetic acid from municipal solid waste containing cellulose. The new facility will be located in the City of Fort Dodge, Lee County, at the present site of Cryotech Deicing Technology. MSW delivered to the landfill operated by Great River Regional Waste Authority will be sorted and processed. The sorted/processed MSW will be delivered to the applicant and produced into acetic acid. This material will be used to produce a granular form and liquid form of deicers at much lower cost than presently possible and will replace the use of environmentally unfriendly deicers (i.e., rock salt and glycol). Grant funds are requested for the purchase of sorting and grinding equipment.

Application 21: Ames Technologies, Inc. -- Jolene Hynes -- 515-292-5003

3704 W. Lincoln Way, Suite 101

Ames, Iowa 50014

Story County

Request: \$ 198,500 - Grant

Applicant: Private For Profit

Description: The proposed project will construct a mobile unit capable of heating, mixing, cooling and pouring Eco-Mix (a sulfur concrete principally consisting of fly ash, sulfur, and shredded tires) according to the appropriate application (i.e. railroad ties, pot hole filler and trails). The mobile unit will be capable of manufacturing Eco-Ties for final testing. Eco-Ties are being developed as a replacement for creosote treated timber ties and last longer than concrete railroad ties. Grant assistance is requested for design/ fabrication of the mobile unit, Eco-Tie testing, marketing, wages, materials, lab fees.

Application 22: Honey Kissed Pizza -- Randy Harrington -- 712-732-2222

116 W. Milwaukee Avenue

Storm Lake, Iowa 50588

Buena Vista County

Request: \$ 28,665 - Grant

Applicant: Private For Profit

Description: The applicant proposes to replace the use of cardboard pizza boxes with a reusable, covered plastic tray to reduce the number of pizza boxes entering the local landfill by 1,000 per week or 9 tons annually. The proposed project will initially target Buena Vista University students and later be expanded throughout the applicant's delivery area. The applicant is seeking grant assistance for the purchase of 5,000 reusable pizza containers.

Application 23: East Central Iowa Council of Governments -- Doug Elliott -- 319-398-1266

6301 Kirkwood Blvd. SW, P.O. Box 2068

Cedar Rapids, Iowa 52406

Linn County

Request: \$ 18,166 - Grant

Applicant: Local Government

Description: Financial assistance is requested for the educational component of a source separated pilot collection program of compostables. Compostables will be collected over a four week period from approximately 5,000 households in selected cities in Linn and Johnson Counties, a

University of Iowa dormitory and the student union. The special collection program is to provide base data for the feasibility and economics of a regional composting facility. The educational component of the pilot study is to stimulate participation, ensure integrity and consistency of participants and provide base data from a waste sort and attitudinal survey. The applicant is requesting grant assistance for educational material preparation and distribution and waste sort and sampling assistance.

Application 24: Kirkwood Community College -- Barrie Swinbank -- 319-398-5609

6301 Kirkwood Blvd. SW
Cedar Rapids, Iowa 52406
Linn County

Request: \$ 85,691 - Grant**Applicant:** Local Government

Description: The project will serve as a model for institutional composting of source separated organics. The proposed project involves the construction and operation of an on-site composting facility and developing and offering several composting courses using the proposed facility as a working classroom. The applicant is seeking financial assistance for building construction, equipment, collection containers, promotion/ education, materials testing and contracted services.

Application 25: Permeate Refining, Inc. -- Carol Lehman -- 319-362-0844

P.O. Box 9521
Cedar Rapids, Iowa 52409-9521
Linn County

Request: \$ 331,493 - Loan**Applicant:** Private For Profit

Description: The project involves improving an existing facility that produces ethanol from 100% waste materials. Dry and liquid forms of food wastes are processed into pure alcohol then denatured with unleaded gasoline and marketed. The applicant is located in the City of Hopkinton, Delaware County and receives raw materials from across Iowa and portions of adjoining states. Financial assistance is requested for product handling, processing and lab equipment, semi tractor and trailers and wages.

Application 26: Knight - Clark Partnership - Joe Knight 515-486-2588 or Mark Clarke 515-858-2459

P.O. Box 87
Union, Iowa 50258
Hardin County

Request: \$ 263,208.30 - Grant**Applicant:** Private For Profit

Description: The applicant, is proposing to offer free drop-off recycling to all residents of Hardin County including existing and new commercial accounts. Initially, the proposed project will target the Cities of Eldora, Union, New Providence, and Owasa and outlying rural areas. Financial assistance is requested for the purchase of equipment, roll-off truck and recycling center construction.

Application 27: Fawn Engineering -- Daniel Jacobi -- 515-274-3641

P.O. Box 1333
Des Moines, Iowa 50305
Polk County

Request: \$ 475,000 -- Grant**Applicant:** Private For Profit

Description: The applicant, one of the largest manufacturers of canned beverage and glass front snack

machines in the U.S. and is proposing to upgrade and expand manufacturing capacity. The proposed project involves replacing the existing wet paint system with a powder coat finishing system. The project will result in reduced air emissions, an approximate 98% decrease in paint filter waste and an accompanying decrease in solid waste toxicity. The applicant is requesting grant assistance for equipment.

Application 28: Innovative Industries, Inc. -- Jean Rommes -- 515-782-8495
215 North Walnut Street
Creston, Iowa 50801-0216
Union County

Request: \$ 160,000 - Grant

Applicant: Private Not For Profit

Description: The applicant proposes to initiate a used pallet recycling program within their existing new pallet construction operation. The applicant employs persons with disabilities and the proposed project would provide additional employment opportunities. It is anticipated that 360 tons of used pallets will be diverted from the landfill. Unusable wood will be stored until collected by a Missouri company and ground for mulch and animal bedding. Financial assistance is requested for building construction, equipment and a vehicle.

Application 29: Dodger Enterprises, Inc. -- Don Grell -- 515-573-3181
1525 Avenue O
Fort Dodge, Iowa 50501
Webster County

Request: \$ 526,320 - Loan

Applicant: Private For Profit

Description: The proposed project involves the collection and processing of approximately 2 million scrap tires annually for a variety of products, including: road base material, drainage base material and as a raw material in the manufacture of other products such as rubber mats. The applicant is seeking financial assistance for the purchase of a tub grinder capable of grinding scrap tires of differing sizes, waste limestone, and tree limbs. Scrap tires are collected from across Iowa, southern Minnesota, eastern Nebraska, and eastern South Dakota.

Application 30: Rosebar Tire Shredding, Inc. -- Dan Schwitters/Carolyn Strong -- 319-472-5271
P.O. Box 106
Vinton, Iowa 52349
Benton County

Request: \$ 221,965 - Grant

Applicant: Private For Profit

Description: The applicant is proposing to produce and market crumb rubber. The applicant is requesting financial assistance for equipment modifications to produce crumb rubber, wages, a loader and truck. As the existing stockpile of tires is reduced, the applicant will accept scrap tires from a 250 mile radius of the processing facility.

Application 31: BES Industrial Services, Inc. -- Tom Bowser -- 319-362-9102
P.O. Box 1181
Cedar Rapids, Iowa 52406
Linn County

Request: \$ 337,018.50 - Grant

Applicant: Private For Profit

Description: The proposed project involves expanding the existing multi-resin plastic recycling facility through additional equipment. The applicant is requesting financial assistance to assist in the purchase of equipment that will allow additional types of plastic, larger sizes of plastic and reduce existing processing inefficiencies. With the project, the applicant would be able to

process 2 to 2.5 million pounds monthly.

Application 32: Aldan Lane Company -- Cloyce Palmer -- 319-656-3620

P.O. Box 990
Kalona, Iowa 52247
Washington County

Request: \$ 239,631.49 - Grant

Applicant: Private For Profit

Description: The applicant is proposing to enhance the output of the existing plastic lumber extrusion production line. Proposed modifications would result in up to a 400% increase in output by allowing production on a continuous flow basis. Implementation of the project will increase the amount of recycled HDPE purchased by the applicant from Iowa sources. Financial assistance is requested for equipment, supplies, and building improvements. Plastic is purchased primarily from a 250 mile radius of the City of Kalona.

Application 33: Metro Waste Authority -- Fred Thies -- 515-322-6503 or 515-244-0021

521 East Locust Street
Des Moines, Iowa 50309
Polk County

Request: \$ 488,235 - Grant

Applicant: Private Not For Profit

Description: The applicant is proposing to implement a field scale forced air, static pile food waste composting project in conjunction with the existing composting operation. The project calls for the use of low-tech equipment and enclosure in order to keep costs down and make the project more attractive to small and medium sized communities interested in implementing a similar project. If successful, the applicant will expand upon the field scale facility. The applicant is seeking financial assistance for equipment and a greenhouse-like structure to enclose co-composting operations.

Application 34: Metro Waste Authority -- Mathew Nieswender -- 515-244-0021

521 East Locust Street
Des Moines, Iowa 50309
Polk County

Request: \$ 83,746 - Grant

Applicant: Private Not For Profit

Description: The applicant is proposing to work with area businesses in providing compacting equipment to reduce the amount of OCC and other specified solid waste from entering the waste stream. Participating waste haulers will service the compactors and provide weight information to the applicant for confidential compilation. Some compactors involved in the study will be outfitted with a remote sensing unit, a modem and a monitoring service. Each modem will automatically call the specified waste hauler directly when the p.s.i. of the compactor ram reaches near 90%. As proposed, efficiency will be increased and money saved as companies reduce empty space in the compactor when it is serviced. Study results of the economic advantages associated with electronically enhanced compactors will be available to all businesses.

Application 35: Computer Resellers, Inc. -- Jon Schoen -- 515-256-0908

4521 Fleur Drive, Unit H, Fleur Plaza
Des Moines, Iowa 50321
Polk County

Request: \$325,000 - Loan

Applicant: Private For Profit

Description: The proposed project involves expanding an existing computer recycling company. Obsolete

and damaged computers are recovered with usable parts removed for reuse. Computer components that are damaged beyond repair are ground with precious metals recovered. The applicant is seeking financial assistance for building construction and equipment purchase.

Application 36: Great River Bend Area Agency on Aging -- Pat Laas -- 319-324-9085
P.O. Box 3008
Davenport, Iowa 52808-3008
Scott County
Request: \$ 6,166 - Grant
Applicant: Private Not For Profit
Description: In response to and increase in the number of persons requiring home delivered meals and the addition of a new program (Medicaid Waiver Program). The applicant is seeking financial assistance for the purchase of additional reusable meal trays for the home delivered meal tray program and for elderly persons residing in the on-site housing complex.

Application 37: Russ Fuller -- 712-527-5147
711 Tyson Street
Glenwood, Iowa 51534
Mills County
Request: \$ 100,000 - Loan
Applicant: Private For Profit
Description: The applicant is proposing to establish a collection and marketing program for usable construction materials that have been recovered from the solid waste stream. The project service area will initially be the Cities of Glenwood and Omaha, NE and surrounding area with future expansion possible. Financial assistance is requested for vehicle purchase, building construction and wages.

Application 38: Refrigerant Recovery Unlimited -- Mary Thomas -- 515-266-6103
2544 E. University
Des Moines, Iowa 50317
Polk County
Request: Approximately \$ 120,000 (not specified) - Loan
Applicant: Private For Profit
Description: The applicant is proposing to reduce HCFC and CFC air emissions from automobile cooling systems. Funding is requested for equipment, supplies, and operating expenses.

Ms. Hay briefly reviewed the applications and noted that she will report to the Commission in August as to which of the applicants were successful in receiving a grant or loan. She explained the process used to make the loan/grant awards, noting that criteria is set forth in the Administrative Rules for judging the applications.

Kathryn Draeger commented that several applications are for a pallet recycling program and asked if the committee takes into consideration what it would do to competition with similar facilities who set up their own business.

Ms. Hay responded that the review team considers whether there is a market available for the proposal and they also look for input from the local planning area.

Charlotte Mohr asked in regard to application #30 if Dan Schwitters and Carolyn Strong have together purchased RoseBar.

Ms. Hay stated that Mr. Schwitters owns Rosebar and Carolyn Strong is the local economic development representative who assisted Mr. Schwitters in putting the application together. She added that the grant would go to Rosebar.

Discussion followed in regard to recouping the department's money when a company fails.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 101, RULE REVISIONS - GENERAL REQUIREMENTS RELATING TO SOLID WASTE MANAGEMENT AND DISPOSAL

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed rule amendments relating to requirements of Solid Waste Comprehensive Plans, Part 1. The purpose of the amendments is to implement Iowa Code subsections 455D.3(3) and 455D.3(4) pertaining to solid waste comprehensive planning areas that fail to meet the state's 25 percent waste volume reduction and recycling goal.

The proposed rule revision:

- Provides standard language to be used by a planning area to notify the public of the area's failure to meet the 25 percent waste volume reduction and recycling goal.
- Describes the public notification procedure to satisfy the notification requirement.
- Defines the document to be used by a planning area to demonstrate that the solid waste management techniques set forth in the legislation have been implemented.

ENVIRONMENTAL PROTECTION COMMISSION (567) Notice of Intended Action

Pursuant to Iowa Code sections 455B.304 and 455D.7, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 101, "General Requirements Relating to Solid Waste Management and Disposal," Iowa Administrative Code.

The proposed amendments describe the procedures to be used by solid waste planning areas failing to meet the state's 25 percent waste volume reduction and recycling goal in satisfying the requirements set forth in Iowa Code subsections 455D.3(3) and 455D.3(4). The requirements include notification of the public served by the planning area of the area's failure to meet the 25

percent goal. The proposed amendments also include the standard language and procedure to be used to notify the public of the planning area's failure.

Any interested party may make written suggestions or comments on the rules proposed in this Notice of Intended Action prior to (date to be inserted), 1995. Such written comments should be directed to Garth Frable or Brian Tormey, Waste Management Assistance Division, Iowa Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa; 50319-0034; FAX (515) 281-8895. Persons who wish to convey their views orally should contact Garth Frable or Brian Tormey, Waste Management Assistance Division by telephone at (515) 281-5105 or (515) 281-8382 respectively, or at offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.

A public hearing will be held on (date to be inserted), 1995 at (time to be inserted) in the (room and floor location to be inserted) of the Wallace State Office Building, East 9th and Grand Avenue, Des Moines, Iowa; at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

These amendments are intended to implement Iowa Code sections 455B.304 and 455B.306 and Iowa Code chapter 455D.

The following amendments are proposed:

ITEM 1. Amend subrule 567-101.5(2) as follows:

101.5(2) State volume reduction and recycling goals. The goal of the comprehensive plan of each planning area of the state is to reduce the amount of materials in the waste stream, existing as of July 1, 1988, 25 percent by July 1, 1994, and 50 percent by July 1, 2000, through the practice of waste volume reduction at the source and through recycling. If at any time the department determines that a planning area has failed to meet the 25 percent waste volume reduction and recycling goal, the planning area shall, at a minimum, implement the solid waste management techniques listed in Iowa Code subsection 455D.3(4) and subrule 101.5(8).

ITEM 2. Amend rule 567-101.5 by adding new subrule 567-101.5(8) as follows:

101.5(8) Failure to meet the 25 percent waste volume reduction and recycling goal.

a. General requirements. If at any time the department determines that a planning area has failed to meet the 25 percent waste volume reduction and recycling goal, the planning area shall, at a minimum, implement the solid waste management techniques listed in Iowa Code subsection 455D.3(4). Evidence of implementation of the solid waste management techniques shall be documented in subsequent comprehensive plans submitted to the department.

b. Public notification. The required solid waste management techniques include notification of the public served by the planning area of the area's failure to meet the 25 percent waste volume reduction and recycling goal.

(1) The planning area shall notify the public using the following standard language:

PUBLIC NOTIFICATION

(insert NAME OF SOLID WASTE PLANNING AREA)

The Iowa General Assembly mandated that the amount of waste landfilled as of July 1, 1988 be reduced by 25 percent by July 1, 1994 and by 50 percent by July 1, 2000 through source reduction and recycling activities.

The (insert name of the solid waste planning area) did not meet the state's 25 percent waste reduction and recycling goal and is now required to implement a number of waste management techniques.

Because the (insert name of solid waste planning area) did not meet the 25 percent goal, landfill users will pay 50 cents per ton in addition to the state solid waste fee of \$4.25 per ton of material landfilled. This additional fee will be applied until the (insert name of solid waste planning area) demonstrates it has attained the goal. In contrast, those planning areas meeting the goal subtract 50 cents per ton from the state solid waste fee.

The (insert name of solid waste planning area) must also do the following:

Develop draft ordinances to be used by local governments for establishing fees that are based on volume or on the number of containers used for disposal by residents;

Conduct an educational and promotional program to inform citizens of the manner and benefits of reducing, reusing, and recycling materials and the procurement of products made with recycled content. The program will include:

Targeted waste reduction and recycling education for residents, including multi-family dwelling complexes having five or more units;

An intensive one-day seminar for the commercial sector regarding the benefits of and opportunities for waste reduction and recycling;

Promotion of recycling through targeted community and media events;

Recycling notification and education packets to all new residential, commercial, and institutional collection service customers that include, at a minimum, the manner of preparation of materials for collection, and the reasons for separation of materials for recycling.

Everyone - businesses, industries, schools, governments, and citizens - must work together to reduce the amount of valuable resources being landfilled.

To find out how you can help to reduce waste and to participate in the activities listed above, please contact (insert name of contact person) at (insert number of contact person).

The (insert name of the solid waste planning area) includes (insert names of participating local governments - cities and counties).

(2) The planning area shall notify the public using the following procedure:

Publication of the notice in not less than a one-quarter page format in a daily newspaper(s) of general circulation in each county within the planning area as soon as possible, but in no case later than 60 days after formal adoption of this rule, or within 60 days from the date the department notifies the planning area that it has failed to meet the 25 percent waste volume reduction and recycling goal.

If counties served by the planning area are not served by a daily newspaper(s) of general circulation, notice shall instead be given by publication in a weekly newspaper(s) of general circulation in each county within the planning area.

(3) The planning area shall submit to the department, within 30 days from the date of publication of the public notice, proof of publication from the newspaper(s) used to satisfy this requirement.

Date

Larry J. Wilson, Director

Ms. Hay gave a detailed explanation of the rule revisions.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 101, General Requirements Relating to Solid Waste Management and Disposal Rule Revisions. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Jay Hanson (manure management rules)

Jay Hanson, dairy farmer from Hudson, expressed concern with rules that were passed which mandate that spray irrigation equipment for handling manure cannot be used after May 31, 1995. He stressed that he cannot endure the expense of altering his manure handling system, noting that other options are more costly and more labor intensive.

Jane McAllister (waste tire rules)

Jane Mcallister, stated that she is representing Dennis Mallinger, who sold his Ft. Dodge property on contract to Don Erwin who subsequently used the property for tire recycling. She

related that the Waste Tire Rules which will come before the Commission today will require a person such as Mr. Mallinger, who has sold his property but still holds bare legal title to it, to get a permit from DNR to provide financial assurance based on the number of tires on that property. Ms. McAllister asked the Commission to clarify the rules to make it clear that people such as Mr. Mallinger have no responsibility to obtain a permit and to obtain financial assurance. She noted that she suggested clarifying language in the responsiveness summary and would like the Commission to consider the problem no matter what language is used.

Bobbi Thomas (DeCoster referral)

Bobbi Thomas, State Center, addressed the Commission asking them to refer the DeCoster issue to the Attorney General. She related that she has neighbors who have had to leave their home for up to nine days at a time because of the smell from the hog waste. She added that the DeCoster operation needs to be kept under a watchful eye more frequently than an occasional instance, as the health of the public is being ruined.

Mary Todd (National Swine Research Farm)

Mary Todd, Boone & Polk County Big Creek Environmental Protection Group, spoke in opposition to the National Swine Research Farm in Boone County. She expressed concern that runoff from the facility will flow into Big Creek and the artesian wells of area residents. She expressed concern about the health of people who live in close proximity to the swine research farm and also about declining property values because of the facility.

Caroline McNamar (large hog operations)

Caroline McNamar, Hartford City Council Member, stated that the city has a lagoon system for sewage disposal which is monitored by the state, but the state is not as concerned about the large lagoons for animal waste because they do not monitor them. She related that she is mainly concerned about water quality.

Charlotte Smith (large hog confinements)

Charlotte Smith, Hartford, expressed concern about large hog confinements and what they are doing to the soil and water. She related that HF519 allows no redress for grievances and that is a big concern. She urged the Commission to refer Mr. DeCoster to the Attorney General and to charge him a large fine.

Representative John Greig (manure management rules)

Representative John Greig, Emmet and Dickinson Counties, spoke about the need for emergency rules to allow spray irrigation of manure. He stated that he helped write HF519 and the intent of that legislation was not to stop manure applications for ongoing operations. He spoke about

retention basins and dilution factors. Representative Greig noted that the legislature did not take into consideration the differences between species and how their manure functions, adding that the Commission will need to review those differences when writing rules. He urged the Commission to adopt the emergency rules before them today.

Alice Ginter (DeCoster referral)

Alice Ginter, Rhoades, stated that she is with ICCI and urged the Commission to send the DeCoster referral to the Attorney General. She expressed concern that family farms are being driven out by the large hog confinements.

Leon Sheets (manure management rules)

Leon Sheets, Chickasaw, stated that he is a pork producer on a family farm and spoke of a waste management plan he developed in the mid-80's. He expressed concern with the manure management rules and related that it would be a costly expense for him to upgrade equipment. He urged the Commission to approve the emergency rules for manure management until new rules are written.

Earl Sime (Decoster referral)

Earl Sime, Radcliffe, addressed the Commission urging them to send the DeCoster case to the Attorney General and to prosecute to the extent of the law. He related that Mr. DeCoster should be held responsible for what he does to destroy the state.

Carroll Nearmyer (Decoster referral)

Carroll Nearmyer, Prairie City, spoke in support of sending the DeCoster case to the Attorney General for prosecution. He related that the family farmer is being pushed off the land by the big hog farms.

Larry Ginter (DeCoster referral)

Larry Ginter, rural Marshalltown, stated that Mr. DeCoster and all the polluters are able to get by with high-powered lawyers and high-powered money behind them. He related that he warned the Governor's task force that DeCoster is a violator and a polluter. He enumerated a number of small fines imposed on DeCoster and urged that he be prosecuted to the extent possible.

Dale Bellinger (hog confinements/pollution)

Dale Bellinger, Ellston, stated that he lives on a 460 acre lake in a farming community and he is concerned about the water. He noted that the lake supplies their drinking water and also supplies

the town of Kellerton. He added that the pollution factor is one of his concerns and he is part of a small roots group that has organized to try to stop the large hog producers and keep the family farms in tact.

Steve Rector (medical waste incineration)

Steve Rector, Fairfield, stated that he is an emergency physician in Ottumwa and he distributed copies of his comments on the issue of medical waste incineration. He related that he is representing the Iowa Watch on Infectious Waste, which is a citizens concern group. He noted that they are concerned with the DNR proposed regulations to govern permitting of commercial medical waste incinerators in Iowa. He added that the proposed rules fail to accomplish a Code mandate that the Department of Health and DNR develop an information and education effort to educate the public on medical waste and other related issues. Dr. Rector indicated that the citizen group is opposed to importing any medical waste into the state for disposition by any technology, particularly by incineration. He expanded on the dangers of incineration and how it generates dioxin into the environment. In conclusion, he stated that there is a need for an aggressive investigation of alternate technologies to handle medical waste. Dr. Rector distributed copies of a list of physician signatures and related that they are opposed to the importation of out-of-state medical waste into Iowa for incineration.

Dori Rector, Ph.D. (medical waste incineration)

Dori Rector, Professor of Psychology at Maharishi International University, spoke on behalf of the people in Fairfield and their concern about the possibility of a medical waste incinerator proposed for Eldon. She discussed the high quality of life in Iowa and related that if a medical waste incinerator is allowed, there will be a large number of people move from Iowa. She asked that the Commission look into the problem of dioxins and the importation of medical waste into Iowa.

Chairperson King asked Allan Stokes, DNR staff, to address the medical waste incinerator permit issue.

Mr. Stokes stated that 4-5 years ago there was an application to build a medical waste treatment facility in the Eldon area, but with the advent of the moratorium that permit was rejected. He stressed that there is not a currently pending application for a permit.

Julie Neuberger (DeCoster referral)

Julie Neuberger, Klemme, stated that the Commission recently received a letter from a group of neighbors opposing the DeCoster facility within one-and-a-half miles of their homes. She related that the lagoon DeCoster is proposing to build is the same size as the one in North Carolina that broke and had a manure spill.

Roger Badgett (medical waste incineration)

Roger Badgett, Fairfield, stated that he feels there will be an application submitted to place a medical waste facility at Eldon and he is deeply concerned about that. He noted that he and others invested in a Health Center northwest of Fairfield and they are concerned about the effects of an incineration plant in their area. He spoke about land, water, and air pollution and related that the land should be utilized for its appropriate use and the desert is a good place for such a facility.

John Fagan (medical waste incineration)

John Fagan, Fairfield, stated that his background is in biochemistry and over the last ten years he has been doing biological research on the medical effects of dioxins. He expanded on the health effects of dioxins and expressed concern about the long-term dangers of having a medical waste facility anywhere in Iowa. Mr. Fagan noted that the fly ash and bottom ash that come out of these facilities should be classified as toxic waste. He related that the waste is highly toxic and the regulations do not specify how it should be disposed of. He stated that the regulations with regard to the air pollution that comes out of these facilities are far too weak. Mr. Fagan also discussed regulations for transportation of wastes into Iowa. He stressed that there are safe alternatives to be looked into and encouraged the Commission to do that.

Barb Pauls (medical waste incineration)

Barb Pauls, Eldon, addressed the Commission stating that she hopes they will take the comments on the rules regarding medical waste incineration very seriously. She related that there is not an application for such a facility now because of the moratorium but as soon as it is lifted there most likely will be one submitted. She noted that these rules will affect the entire state, not just the folks in Eldon.

Gary Hoske (DeCoster referral)

Gary Hoske, Montour, stated that he is a pork producer in Tama County and he would hope the Commission will refer the DeCoster violations to the Attorney General. He spoke about the new livestock facility rules being developed and the amounts of nitrogen application to be allowed. He stated that he, along with the others present today, do not want large hog farms in Iowa as they will put the small family farms out of business.

Blaine Nichols (DeCoster referral)

Blaine Nichols, Wright County farmer, expressed concern about the heavy concentration of livestock at the DeCoster site and the possibility of a manure spill going into the neighboring ag drainage wells. He encouraged the Commission to refer the DeCoster case to the Attorney General.

Kathy Stockdale (DeCoster referral)

Kathy Stockdale, Iowa Falls, spoke about the 3,850 sow unit located 1500 feet from her house. She discussed odor, health, and other problems associated with the unit and related that she is concerned about the possibility of her well being polluted. She urged the Commission to impose a fine on A.J. DeCoster.

Phil Lehman (manure management rules)

Phil Lehman, Slater, stated that he is a dairy farmer and spoke about the rules pertaining to manure disposal. He expressed concern about the possibility of the small farmers being put out of business.

PETITION FOR RULEMAKING--CHAPTER 65, SPRAY IRRIGATION OF ANIMAL MANURE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission has received a Petition for Rulemaking on behalf of the Iowa Cattlemen's Association, Iowa Dairy Products Association, Iowa Farm Bureau Federation, Iowa Pork Producers Association and Iowa Poultry Association. The Petition requests the Commission adopt rules allowing for use of spray irrigation equipment for the land application of animal manure from animal feeding operations which were constructed or permitted by the department prior to May 31, 1995. The Petition further requests the Commission to immediately adopt these rules through Emergency Rulemaking provisions, and make them effective upon adoption. A copy of the Petition is attached at the end of this agenda item.

The Commission will need to decide whether to accept or reject the Petition for Rulemaking as filed. Attached as pages one through three of this agenda item would be a response to the Petition and Emergency Rule for adoption by the Commission if they choose to agree with the Petition and its findings. Attached as page four of this agenda item is a response for adoption by the Commission if they disagree with the Petition and its findings and choose to not adopt rules at this time.

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION**

IN THE MATTER OF:	
PETITION FOR RULEMAKING by Iowa Cattlemen's Association, et al. to Amend 567 IAC chapter 65 - Spray Irrigation of Animal Wastes	RESPONSE TO PETITION

For the reasons stated in the Petition, the Commission adopts the attached final rule.

Dted this ____ day of _____, 1995

ROSEANNE KING, CHAIR
ENVIRONMENTAL PROTECTION COMMISSION

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed Emergency**

Pursuant to the authority of 1995 Iowa Acts, H.F. 519, sections 22 and 24, the Environmental Protection Commission hereby adopts amendments to Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

This amendment permits interim application of animal manure from existing animal feeding operations by use of spray irrigation equipment, subject to recordkeeping requirements. The amendment is adopted in response to a Petition for Rulemaking from producer groups.

In compliance with Iowa Code section 17A.4(2), the commission finds that notice and public participation are impracticable because the time period for doing so would extend beyond the time when animal wastes need to be disposed of this summer and fall, and thereby place existing owners and operators relying on spray irrigation equipment in a tenuous position of having to pay for custom application of manure or replace equipment at considerable expense, or delay disposal activities, which could threaten water quality.

The commission also finds pursuant to Iowa Code section 17A.5(2)"b"(2) that the normal effective date of the rule should be waived and this amendment should be made effective immediately upon filing with the Administrative Rules Coordinator on July 19, 1995, as it confers a benefit upon the public by allowing use of existing equipment to properly dispose of wastes.

These amendments are intended to implement 1995 Iowa Acts, H.F. 519, section 24.

ITEM 1. Amend rule 65.2(455B) by adding a new subrule, as follows:

65.2(8) An animal feeding operation which has been constructed or issued a permit prior to May 31, 1995, may use spray irrigation equipment to land apply manure, subject to compliance with Iowa Code chapter 455B as amended by 1995 Iowa Acts, H.F. 519, and this rule. Animal feeding operations constructed after May 31, 1995, shall not use spray irrigation equipment to apply manure until permanent rules are adopted.

a. The spray irrigation equipment shall be used so that the manure spray from the irrigation equipment is confined to the property where the manure from the animal feeding operation is applied.

b. The operator of the spray irrigation equipment shall record the following information concerning the use of the equipment:

1. Location of where the equipment is used.
2. Date(s) the equipment is used.
3. For each date the equipment is used, the length of time used, the volume of manure irrigated, and the source of the manure irrigated.

c. Records containing the above information shall be maintained by the operator of the spray irrigation equipment and shall be made available to the department upon inspection pursuant to 1995 Iowa Acts, H.F. 519, section 25(5).

d. This subrule is temporary and shall remain in effect until permanent rules on spray irrigation are adopted.

These rules are intended to implement 1995 Iowa Acts, H.F. 519, section 24.

Date

Larry J. Wilson, Director

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION**

IN THE MATTER OF:

**PETITION FOR RULEMAKING by Iowa
Cattlemen's Association, et al. to Amend
567 IAC chapter 65 - Spray Irrigation of
Animal Wastes**

RESPONSE TO PETITION

Following discussion at the July 17, 1995 meeting of the Environmental Protection Commission, the Commission denies the Petition for Rulemaking. The Commission determines that the issue of spray irrigation of animal wastes requires more discussion by the animal agricultural consulting organization, and more specific recommendations as to appropriate criteria and restrictions on spray irrigation practices.

Dated this _____ day of _____, 1995

ROSEANNE KING, CHAIR
ENVIRONMENTAL PROTECTION COMMISSION

Mr. Stokes reviewed the petition for rulemaking and optional responses the Commission could take. He explained that in accepting the petition it would allow already permitted facilities to use spray irrigation as a form of manure application (in the interim) until new rules are developed. He related that the consulting advisory group formed under HF 519 is working on specific rules addressing this topic.

Motion was made by William Ehm to accept the Petition for Rulemaking and adopt the accompanying Emergency Rules. Seconded by Michael Fesler.

Kathryn Draeger asked when the advisory group rules are expected to be completed.

Mr. Stokes stated that there is a six month time frame on completing their work.

Gary Priebe expressed concern with the rules not going to public participation and emphasized that when the rules come out from the advisory group they should go to public participation.

Mr. Stokes stated that it will be the Commission's decision to have the rules go to public hearing.

Vote on Commissioner Ehm's motion carried unanimously.

PETITION ACCEPTED AND EMERGENCY RULE ADOPTED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. A. J. DeCoster (Wright County) - wastewater
- b. Harold Lee (Keokuk County) - wastewater
- c. Ron Mumby (Iowa County) - solid waste/penalty
- d. Jody Beaver (Cedar County) - solid waste/penalty
- e. ESCORP Associates, Ltd., et al (DeWitt and Ft Madison) - air quality

A.J. Decoster

Mr. Murphy stated that referral is being recommended due to an April 28, 1995 discharge of animal waste through tile lines into the Iowa River. He related that the facts are outlined in the litigation report.

Appointment - Bill Smith

Bill Smith, representing Jack DeCoster, stated that all applications of waste were done pursuant to DNR regulations. He related that in regard to the discharge reasonable action was taken immediately and no damage was done. He presented details about the manure application reviewing dates and times they were made and noted that application was ceased as soon as the leak was discovered. Mr. Smith noted that no more than one-third inch of effluent was placed on the field and that was not an excessive amount. He related that there was nothing to assume the leakage came from the DeCoster facility. He added that there could not have been over-application as they did not have the volume to over-apply. Mr. Smith stated that the issue is whether this is an appropriate one for referral and he urged the Commission not to refer it.

Discussion followed regarding the Field Office report; when BOD tests were taken; and whether any monitoring was done since the spill.

Mr. Murphy reiterated that the case should go to the Attorney General because there were two prior Orders dealing with discharge incidents and this is the department's normal progression when there have been previous violations.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Kathryn Draeger. Motion carried unanimously.

REFERRED

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 16 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
July 1, 1995

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22 - Revisions to Voluntary Operating Permit Rules	5/15/95	6/07/95	7/11/95	7/07/95	*8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
2. Ch. 22 - Background Values for PM-10	6/19/95	*7/19/95	*8/14/95	*8/ /95	*9/18/95	*9/18/95	*10/11/95	*11/14/95	*11/15/95
3. Ch. 22, 23 - Standards for Hazardous Air Pollutants for Source Categories	5/15/95	6/07/95	7/12/95	7/07/95	*8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
4. Ch. 40, 43 - Water Supply Permit Fees	9/19/94	10/12/94	11/07/95	11/01/94 11/02/94 11/03/94 11/04/94	1/17/95	1/17/95	2/15/95	3/14/95	Delayed
5. Ch. 40, 43 - Water Supply Permit Fees	*8/21/95	*9/13/95	*10/11/95	10/ /95	*11/20/95	*11/20/95	*12/20/95	*1/17/96	*1/24/96
6. Ch. 47 - Grants to Counties	7/17/95	*8/16/95	*9/12/95	*9/ /95 3/07/95 3/08/95	*10/16/95	*10/16/95	*11/08/95	*12/12/95	*12/13/95
7. Ch. 61 - WQ Standards - Corps of Engineers Regional Section 404 Permits	5/15/95	6/07/95	7/12/95	-----	*8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
8. Ch. 101 - General Requirements Relating to SW Management and Disposal	7/17/95	*8/16/95	*9/12/95	*9/ /95	*10/16/95	*10/16/95	*11/08/95	*12/12/95	*12/13/95
9. Ch. 112- Infectious Waste	3/20/95	4/12/95	5/08/95	5/23/95	*8/12/95	*8/12/95	*9/13/95	*10/04/95	*10/18/95
10. Ch. 117 - Waste Tire Collection and Processing	3/20/95	4/12/95	5/08/95	5/25/95	7/17/95	*7/17/95	*8/16/95	*9/12/95	*9/20/95
11. Ch. 135 - Underground Storage Tanks	7/17/95	*8/16/95	*9/12/95	*9/ /95	*10/16/95	*10/16/95	*11/08/95	*12/12/95	*12/13/95
12. Ch. 145 - Household Batteries	11/21/94	12/21/94	1/19/95	1/11/95	6/19/95	*7/06/95	*8/02/95	*9/05/95	*9/20/95
* Projected									

Monthly Variance Report						
June, 1995						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Iowa Army Ammunition Plant-Middletown	Air Quality	Leon Baxter, Chief Engineer	Explosives	Approved	06/27/95
2	Callender, City of	Wastewater Construction	MER Engineering	Inlet Discharge Depression	Approved	06/07/95
3	Salem, City of	Wastewater Construction	French-Reneker Associates, Inc.	Pond Influent Piping	Approved	06/25/95
4	Salem, City of	Wastewater Construction	French-Reneker Associates, Inc.	Inlet Discharge Depression	Approved	06/26/95
5	Mills County & Glenwood, City of	Flood Plain	Mills County Engineer	Freeboard	Approved	06/12/95

Report of Hazardous Conditions

During the period June 1, 1995, through June 30, 1995, reports of 98 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
06/02/95 Polk	200 gallons of diesel fuel spilled when a tank was overfilled at the facility in Des Moines. The spilled product was completely contained within a concrete containment structure.	Waste Management 201 SE 18th St. Des Moines, IA 50317	The product was pumped out of the containment structure. Oil dry was used to absorb the residual material.
06/04/95 Montgomery	A 220 gallon minibulk tank fell off the back of a pickup truck onto a gravel road. Approx. 200 gallons of concentrated Extrazine spilled onto the gravel road. No surface waters were impacted.	Agriland 1212 Industrial Parkway Harlan, IA 51537	Employees immediately applied absorbent to the spill. The absorbent and contaminated soil and gravel were transported back to the facility. The material will be stored until it can be incorporated with dry fertilizer next fall.

Month	Substance					Mode				
	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	51(56)	38(37)	3(6)	10(13)	32(34)	0(0)	16(20)	0(0)	0(0)	10(2)
November	54(52)	24(34)	7(3)	23(15)	29(30)	0(3)	22(14)	3(0)	0(1)	0(4)
December	52(41)	27(30)	2(2)	23(9)	38(23)	1(0)	12(14)	0(2)	0(0)	1(2)
January	48(67)	29(47)	7(3)	12(14)	31(38)	0(1)	14(23)	1(2)	1(2)	1(1)
February	40(57)	30(38)	0(3)	10(16)	23(29)	0(2)	16(22)	2(0)	1(0)	0(2)
March	41(69)	27(42)	5(6)	9(21)	44(24)	0(0)	17(14)	0(2)	0(3)	0(6)
April	75(88)	30(39)	25(33)	20(16)	39(50)	1(0)	30(29)	1(1)	1(1)	3(7)
May	90(75)	45(28)	40(29)	5(18)	34(38)	0(5)	49(22)	2(2)	1(3)	4(5)
June	98(74)	48(39)	23(29)	21(12)	32(51)	2(0)	56(18)	2(2)	0(0)	6(3)
July										
August										
September										

Total Number of Incidents Per Field Office This Period: (numbers in parentheses for the same period in fiscal year '94)

1	2	3	4	5	6
19	8	11	11	27	22

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Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Springbrook Country Club, DeWitt (6)	Drinking Water	MCL-Bacteria; Public Notice	Order/Penalty \$1,000	6/13/95
Donald J. Foreman d/b/a D & R Feedlots, Woodbury County (3)	Wastewater	Operation Without Permit; Prohibited Discharge	Order/Penalty \$3,000	6/13/95
Farmers Hybrid Companies, Inc., Humboldt County (2)	Wastewater	Prohibited Discharge	Order/Penalty \$2,000	6/13/95
Paul L. Dunkel, Delaware County (1)	Solid Waste	Illegal Disposal	Referred to AG	6/19/95
Vannoy Chevrolet Company; Waldo Vannoy, Montezuma (5)	Underground Tank	Site Assessment	Order	6/26/95
Norman Klynsmas d/b/a OK One Stop Service, Hospers (3)	Underground Tank	Site Assessment	Order/Penalty \$2,000	6/26/95
Harold T. Knott; James C. Knott, Coggon (1)	Underground Tank	Site Assessment	Order	6/26/95
McBride Aviation, Inc.; Ivan McBride, Marion (1)	Underground Tank	Site Assessment	Order/Penalty \$1,700	6/26/95
Wendall Bohle d/b/a Bohle's 66, Sumner (1)	Underground Tank	Site Assessment	Order	6/26/95
Wilbur McNear d/b/a McNear Oil Co.; Gilbert Persinger, Smithland (3)	Underground Tank	Site Assessment	Order/Penalty \$2,500	6/26/95
Wilbur McNear d/b/a McNear Oil Co., Charter Oak (4)	Underground Tank	Site Assessment	Order/Penalty \$2,000	6/26/95
M & L Service, Inc.; Loyal Dorr; Mark Courtney, Guthrie Center (4)	Underground Tank	Site Assessment	Order/Penalty \$1,000	6/26/95
Oscar Hahn, Johnson County (6)	Solid Waste Air Quality	Illegal Disposal; Open Burning	Order/Penalty \$2,000	6/26/95
Marilyn Terbeeck; Harold Heesch, Hancock County (2)	Solid Waste	Illegal Disposal	Order	6/26/95
Sheldahl, City of (5)	Drinking Water	Monitoring/Reporting-Lead	Order/Penalty \$200	6/26/95
Rinehart Construction Co. d/b/a North Dallas Sanitary Landfill, Boone and Greene Counties (5)	Solid Waste; Wastewater	Cover Violations; Prohibited Discharge	Order/Penalty \$10,000	6/30/95

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94

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Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Birmingham, City of	WS	550	8-28-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	900	9-19-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
DBM, Inc. (Cedar Falls)	AQ	10,000	11-30-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
North Coralville Lake Manor (Solon)	WS	450	3-26-95
Curry Environmental Services (Dubuque)	AQ	6,000	3-27-95
Galva, City of	WS	1,000	4-06-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
*Phil McMains (Appanoose Co.)	SW	600	4-24-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
R.V. Hopkins, Inc. (Davenport)	AQ	10,000	5-29-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Timberlake Estates (Swisher)	WS	375	6-08-95
Orrie's Supper Club, Inc. (Hudson)	WS	3,000	6-11-95
Brittany Estates Addition (Manchester)	WS	500	6-12-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Kinseth Hotel Corp.; Best Western Westfield (Coralville)	WS	500	7-01-95
Wieland & Sons Lumber Co. (Winthrop)	AQ/SW	3,000	7-04-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
*Waste Management & Design, Inc. (Webster City)	WW	2,980	7-10-95
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	7-10-95
New Hampton, City of	WW	10,000	7-11-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
Donald Krieger (Terrill)	UT	600	7-30-95
Nishna Valley Community School (Hastings)	WS	1,000	8-05-95
Boyer Valley Company (Arion)	WW	8,000	8-07-95
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000	8-17-95
Springbrook Country Club (DeWitt)	WS	1,000	8-17-95
Farmers Hybrid Companies, Inc. (Humboldt Co.)	WW	2,000	8-19-95
Edward Bodensteiner (Des Moines)	UT	3,200	-----
McBride Aviation, Inc.; Ivan McBride (Marion)	UT	1,700	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	-----
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500	-----
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000	-----
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	-----
Oscar Hahn (Solon)	SW/AQ	2,000	-----
Sheldahl, City of	WS	200	-----
Rinehart Construction d/b/a North Dallas SLF (Boone Co.)	WW/SW	10,000	-----
TOTAL		155,777	

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92

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V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Robert Bodwell (Winterset)	UT	300	7-07-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Economy Solar Corp. (Monticello)	AQ	100	6-01-94
Rayburn Court for Mobile Homes (Mason City)	WS	375	9-29-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94

TOTAL 31,656

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udehl (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	3,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	4,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000

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Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Kessler's Homeowners Assn. (Iowa City)	WS	275
Woodburn, City of	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Twin View Heights (Solon)	WS	500
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukeee)	AQ/SW	4,000
James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Hubert Vote d/b/a Vote House Moving (Gilmore City)	AQ	6,000
Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)	AQ	6,000
Michael J. Reding (Kossuth Co.)	WW	4,500
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	10,000
Lehigh Portland Cement Co. (Mason City)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Larry Royer (Guthrie Co.)	WW	1,000
Randy Ballard (Fayette Co.)	FP	2,000
Perry, City of	WW	10,000
Bacon Addition (Monticello)	WS	375
Riverview Manor (Scott Co.)	WS	375
Louisa Courts Mobile Home Park & Sales (Muscatine)	WS	900
Sioux City, City of	AQ	10,000
Dan Schwitters; Schwitters Enterprises (Cedar Rapids)	UT	600
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Bormann (Preston)	UT	2,000
Economy Solar Corp.; Jeffery C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F&F Metals (Lee Co.)	HC/WW	10,000
Marvin Rozenboom (Mahaska Co.)	SW	3,000
Keck, Inc. (Des Moines)	UT	1,500
Cumberland Ridge First Addition (North Liberty)	WS	550
West Side Unlimited Corp.; West Side Salvage (Benton Co.)	AQ/SW	5,000
Doolittle Oil Company, Inc. (Webster City)	UT	6,500
Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	3,000
Earth Media Technologies, Inc. (Polk County)	SW	3,000
Allison-Bristow Community School District (Allison)	AQ	5,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Mark Twain Meadows Assoc. (Muscatine)	WS	900
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
TOTAL		479,376

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Iowa City Regency Mobile Home Park (Iowa City)	WS	1,000
Dave Schmitt Construction Co., Inc. (Cedar Rapids)	AQ	2,500
Dave Schmitt Construction Co., Inc. (Cedar Rapids)	AQ	2,000
Lakewood Utilities (Ft. Dodge)	WS	200
Sara Lee Corporation (New Hampton)	WW	10,000
Lloyd Dalsing (Dubuque)	AQ	2,500
South High Point Well Assn. #2 (Iowa City)	WS	100
*Waste Management & Design, Inc. (Webster City)	WW	720
Midway Water & Lighting (Marion)	WS	220
Trout Valley 2nd Addition (Bettendorf)	WS	125
Edinburgh Manor (Anamosa)	WS	100
TOTAL		19,465

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The \$600.00 penalty assessed Eddie Hemmer (Jones County) has been rescinded.

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
July 1, 1995

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Achenbach, Mark Rockford (2)	Underground Tank	Site Assessment	Order	Referred Petition Filed Trial Date	6/20/94 8/22/94 8/09/95
Advanced Technologies Corp. Cedar Falls (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
American Asbestos Training Center, Ltd. Monticello (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 8/14/95
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/09/95
Ampel Corporation Des Moines (5)	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 11/13/95
Bodwell, Robert Winterset (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	2/21/94 7/21/94 7/11/95
Des Moines, City of (5) v. IDNR	Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer Oral Arguments	1/18/94 1/18/94 2/08/94 5/24/95
Dunkel, Paul L. Delaware Co. (1)	New Solid Waste	Illegal Disposal	Order/Penalty	Referred	6/19/95
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 8/14/95
Economy Solar Corp. Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 7/16/96
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/09/95
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civil)	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 5/30/95
Giese, William Giese Construction Co. Ft. Dodge (2)	Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	7/18/94 10/12/94 10/24/95
Harrison County Board of Supervisors (4)	Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94

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Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
International Hydroform Pella (5)	Underground Tank	Remedial Action	Order	Referred Petition Filed Trial Date	5/17/93 1/18/94 4/04/95
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCarty Creek Homeowners LeClaire (6)	Drinking Water	Monitoring/Reporting- Lead & Copper	Order/Penalty	Referred Petition Filed	10/17/94 5/02/95
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rprtg Nitrate, Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator, Worth Co. Co-op Oil Amoco v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order 215.1 Order Suit Filed DNR Answer Consolidation Order 215.1 Order Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/92 12/28/92 1/05/93 12/22/94 12/07/93 12/28/92 3/10/93 12/22/94 12/15/92 1/04/93 3/10/93 12/22/94
Rayburn Court for Mobile Homes Mason City (2)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred Petition Filed	11/21/94 5/02/95
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc ; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95
Smith, Franklin; Smith Oil Company Mt. Ayr (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	4/18/94 7/25/94 5/16/95
Soldat, Mark S. Kossuth Co (2) vs IDNR	Wastewater	DNR Defendant	Defense	Suit Filed Petitioner's Motion for Partial Summary Judgment Answer Hearing Date Ruling Order Implementing Ruling Motion Raising Jurisdiction Question Petition for Certiorari Writ Denied	9/16/94 10/06/94 10/20/94 10/31/94 11/03/94 12/23/94 1/20/95 1/23/95 2/17/95

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Troutman, Jerry L. & Richard Van Buren Co. (6)	Updated	Solid Waste	Illegal Disposal	Order	Referred Petition Filed Default Entered Judgment (\$72,500/Civil)
Waterloo Community School District Waterloo (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	10/18/93 2/15/94 9/29/94 6/30/95 3/21/94 8/29/94 1/16/96
Wunschel Oil Co.; Vernus, Jaquelyn & Mark Wunschel Ida Grove (3)		Tank	Underground Site Assessment	Order/Penalty	Referred
					1/17/95

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Murphy	Hearing continued; additional testing being done.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued. Stipulation of dismissal being prepared.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Iowa Supreme Court decision 2/29/95.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Kennedy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.

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5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Negotiating settlement.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.

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8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing set for 4/11/95.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 Letter to facility attorney regarding site assessment. 12/94 Letter from attorney - new work plan submitted to F.O. 3. To be sent to DIA. Hearing set for 7/20/95. New site assessment under review by F.O. 3.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Settlement reached. Consent order.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Settlement expected.

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7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures. 5/94 order issued to facility. 11/7/94 contract entered into for funding of project to upgrade. 12/94 - Additional funding authorized by City - project ready to go. Project completed. 3/95 - Settlement agreement to water supply's attorney. 4/95 - Follow-up letter to water supply's attorney. 5/95 F.O. 6 inspection of equipment installation.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Favorable ALJ decision. EPC affirmed.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Settlement close.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Petition for judicial review of agency action filed.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Wilbur Numelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Consent order/settlement.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.

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3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	All SCRs received- negotiating penalty.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Negotiating penalty.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/10/94	Dennis Malone; Joanne Malone	Administrative Order	UT	Wornson	Negotiating before filing.
5/19/94	New Hampton, City of	Administrative Order	WW	Murphy	Consent order. Settled.
5/27/94	Joseph L. Ranker ; Darl Hollingsworth	Administrative Order	UT	Wornson	Demand letter before DIA referral.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 Construction permit issued to facility for new facilit. Construction to begin immediately and be completed by summer of 1995. Construction of SBR units to be completed soon.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WW	Hansen	Hearing continued indefinitely pending settlement discussions.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
7/01/94	Pella Construction Co.	Administrative Order	WW	Hansen	Proposed decision issued by ALJ on 5/8/95. Not appealed. Penalty paid.
7/05/94	Iowa City Regency MHP	Administrative Order	WS	Clark	Settled.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.
7/12/94	Woodlyn Hills	Administrative Order	WS	Hansen	2/3/95-Letter to water supply regarding appeal. 2/20/95-Response - compliance initiated.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/18/94	Yiri Li	GW Professional Denial	UT	Wornson	Negotiating settlement.
7/19/94	Lakewood Utilities	Administrative Order	WS	Clark	Settled.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	3/95 letter to facility regarding appeal.
7/25/94	South High Point Well #2	Administrative Order	WS	Clark	Settled.

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7/25/94	Kessler's Homeowners Assn.	Administrative Order	WS	Clark	Settlement close.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Hearing continued.
7/27/94	Twin View Heights 5282301	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance.
8/10/94	Edinburgh Manor	Administrative Order	WS	Clark	Settled.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Negotiating settlement.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Compliance initiated.
8/29/94	Atlantic, City of	Administrative Order	WW	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WW	Hansen	Compliance with AO initiated.
9/02/94	Jay Anderberg; Diane McKellip	Administrative Order	UT	Wornson	Proposed decision appealed. To EPC 6/19/95. EPC affirmed 6/19/95.
9/06/94	HEW, inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SW/AQ	Kennedy	Bankruptcy filed.
9/15/94	Bankston	Administrative Order	WS	Hansen	1/95-Information from City. Compliance initiated.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	Consent order - compliance initiated.
9/19/94	Burke Marketing Corp.	Administrative Order	WW	Hansen	Hearing continued to discuss settlement.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SW/WW	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits.
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.
10/31/94	Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Hearing rescheduled for 8/31/95.

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11/02/94	Richard Waugh	Administrative Order	UT	Wornson	Compliance/negotiating penalty.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Hearing set for 7/25/95.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Negotiating before filing.
11/23/94	Walnut Acres Campground; Fred and Fran Iben	Permit Issuance	FP	Clark	Negotiating before filing.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Negotiating before filing.
11/30/94	Welch Oil, Inc.	Administrative Order	UT	Wornson	Briefs submitted.
12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/10/95	Steamboat Rock	Administrative Order	WS	Hansen	2/95-Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - Construction approved by WS section for chlorination equipment.
1/11/95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1/13/95	Gilmore City-Bradgate Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/13/95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent.
1/13/95	Simonsen Industries, Inc.	Administrative Order	WW	Hansen	2/28/95-Submittal by facility's engineer regarding land application of sludge.
1/20/95	Hubert Vote d/b/a Vote House Moving	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/20/95	Allen Brandhoij d/b/a Brandhoij Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/07/95	Michael J. Reding	Administrative Order	WW	Clark	Settlement close.
2/14/95	Dennis Sharkey d/b/a Sharkey's Building Wrecking	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Woden-Crystal Lake Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Negotiating before filing.
2/27/95	Sale-R-Villa Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	Lehigh Portland Cement	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	American Coals Corp.	Administrative Order	SW	Kennedy	Negotiating before filing.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	Administrative Order	HC	Kennedy	Negotiating before filing.
4/19/95	Lloyd Dalsing	Administrative Order	AQ	Preziosi	Settled.
4/19/95	Otis Schultz d/b/a Schultz Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
4/21/95	Randy Ballard	Administrative Order	FP	Clark	Negotiating before filing.
4/26/95	Larry Royer	Administrative Order	WW	Clark	Negotiating before filing.
4/26/95	Central Iowa Power Cooperative (CIPCO)	Permit Conditions	SW	Kennedy	Negotiating before filing.

E95Jul-51

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
July 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
4/28/95	Perry, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5/01/95	Central Iowa Power Cooperative	Permit Conditions	SW	Kennedy	Negotiating before filing.
5/03/95	Bacon Addition Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
5/04/95	M & W Mobile Home Park	Administrative Order	WW	Kennedy	Negotiating before filing.
5/05/95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/08/95	Riverview Manor	Administrative Order	WS	Clark	Negotiating before filing.
5/09/95	Louisa Courts	Administrative Order	WS	Hansen	Dept. letter. Facility working towards compliance.
5/10/95	Boone County Humane Society	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/19/95	Sioux City, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/23/95	Dan L. Schwitters d/b/a Schwitters Enterprises, Inc.	Administrative Order	UT	Wornson	Compliance completed/negotiating penalty.
5/23/95	Leonard Bormann	Administrative Order	UT	Wornson	Negotiating before filing.
5/25/95	Ferris Sullivan d/b/a Sullivan's Sinclair	Administrative Order	UT	Wornson	Negotiating before filing.
5/25/95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Administrative Order	HC/WW	Kennedy	Negotiating before filing.
5/25/95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/30/95	Marvin Rozenboom	Administrative Order	SW	Kennedy	Negotiating before filing.
5/30/95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/30/95	Earth Media Technologies	Administrative Order	SW	Kennedy	Negotiating before filing.
5/31/95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6/05/95	West Side Unlimited Corp.	Administrative Order	AQ/SW	Kennedy	New case.
6/06/95	Doolittle Oil Co., Inc.	Administrative Order	UT	Wornson	New case.
6/07/95	Cumberland Ridge Homeowners	Administrative Order	WS	Kennedy	New case.
6/09/95	Don Peterson d/b/a Peterson Backhoe	Administrative Order	AQ	Preziosi	New case.
6/12/95	North Brady Animal Hospital	Permit Denial	AQ	Preziosi	New case.
6/14/95	Salsbury Chemicals	Permit Conditions	WW	Hansen	New case.
6/16/95	Allison-Bristow Community School	Administrative Order	AQ	Preziosi	New case.
6/16/95	Allison Fire Department; City of Allison	Administrative Order	AQ	Preziosi	New case.
6/16/95	Pilot Oil Corporation	Administrative Order	WW/UT	Murphy	New case.
6/20/95	Toledo, City of	Permit Conditions	WW	Hansen	New case.
6/23/95	Leonard C. Page	Administrative Order	SW	Kennedy	New case.
6/29/95	White Oaks Homeowners Assn.	Administrative Order	WS	Hansen	New case.

Mr. Stokes briefly reviewed the monthly reports.

Discussion took place in regard to a contested case dating back to 1988. Mr. Murphy related that it is not unusual for a case involving site cleanup reports to go on for a long period of time because some of them are on hold while waiting for the new rules to be developed.

Mr. Stokes stated that on the issue of medical waste incineration, the Commission was mailed a copy of a report entitled "Infectious Waste Management - General Inventory - Treatment Capacity - Related Issues." He noted that one of the commentators this morning stated that the law required the DNR and IDPH to do an inventory and determine treatment capacity and other related issues, and staff believe this report met that requirement when filed in January 1991. Mr. Stokes also distributed a map showing counties where medical waste incinerators are located in Iowa. Also included was a list of permitted solid waste management facilities in Iowa. He reviewed the issue of proposed medical waste treatment facilities in Iowa and the moratorium imposed by the legislature. He noted that the law required the department to develop rules by 1992 but with the moratorium in place the rules were not written. The last legislature reminded the department that they were overdue on developing rules and, subsequently, staff presented rules in March which the Commission approved for public notice. He expanded on details of those rules and related issues and noted that the public comment period was extended one month, therefore the rules will be back before the Commission in August.

Brief discussion followed.

INFORMATIONAL ONLY

CONTRACT APPROVAL - AIR QUALITY PERMIT ISSUANCE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the department entering into a contract with a private consulting engineering firm for assistance in issuing air quality construction permits. The department is in the final stages of reviewing proposals from firms and will provide the Commission with information relative to bids received and the firm recommended for contract at the Commission meeting.

**Contract Award Process Summary
Request for Proposals Issued by the Iowa Department of Natural Resources
for
Engineering Services for the Review of Permit Applications
for Air Emission Sources in Iowa**

July 1995

The Department of Natural Resources, Air Quality Bureau, Construction Permit Section has a backlog of permit applications from Iowa Industry. Because sources must obtain construction permits prior to constructing new sources of regulated air pollutants, a delay in permitting can result in significant delays in new construction and expansion. To reduce the backlog, and the delay in issuance of permits, the Department issued a Request for Proposals (RFP) for engineering services for the review of permit applications for air emission sources in Iowa.

Notice of Intent to Award a Contract

A public notice announcing the Department's intention to issue a contract for engineering services was published in The Des Moines Register on April 29, 1995. In addition, 129 notices and project descriptions were mailed to prospective firms. Proposals and sealed bid packages were due to the Department no later than May 30, 1995.

A meeting was held with interested parties May 15, 1995, in the Wallace State Office Building, to answer questions regarding the RFP. Twenty five persons attended the meeting. A public participation responsiveness summary, list of meeting attendees, information on Targeted Small businesses and copies of related forms were sent to all 129 firms and individuals included in the original mailing.

Response to Request for Proposals

Twenty-three (23) firms responded to the request for proposals by submitting formal bids. Two proposals were incomplete and were not included in the full evaluation process.

Proposal Review Process

The proposal review team included Peter Hamlin, Air Quality Bureau Chief; Christine Spackman; construction Permit Section Supervisor; and Catharine Fitzsimmons, Planning Group Lead Worker. Prior to reviewing the proposals a set of evaluating criteria were established for judging the proposals. Five (5) mandatory elements and four (4) graded categories were established for the preliminary stage of proposal evaluation. Initially proposals were assessed in light of the mandatory elements and technical merits of the proposals. The highest possible point award for technical and mandatory elements combined was 80 points. After the committee evaluated all proposals, the top four (4) firms were selected for interview and further consideration. Firms not chosen for further consideration were notified by mail.

The four firms selected for further consideration included: Barr Engineering Company, Jacobs Engineering Group Inc., Trinity Consultants Inc., and Wenck Associates Inc. Interviews were conducted by the selection team between June 23 and July 6, 1995. Subsequent to the interviews technical criteria scores were re-evaluated. Bid packages for the final four firms were opened July 7, 1995 in the presence of Shirley Christofferson, Administrative Services Division.

Bids were assigned a point value based on the spread between lowest and highest bid with the lowest bid receiving the highest possible point value of 20. Bid points and technical points for each firm were added to reach a final proposal/bid score.

**Summary rankings for construction permit review contract proposals
Top 4 firms**

Firm Name	Technical Evaluation Pts.	Bid Evaluation Pts.	Bid Amount	Total Points
Barr Engineering Co.	73.00	15	\$198,000	88.00
Jacobs Engineering Inc.	76.17	20	96,000	96.17
Trinity Consultants Inc.	74.33	0	476,221	74.33
Wenck Associates Inc.	76.33	5	269,360	81.33

Mr. Stokes distributed copies of the Contract Award Process and a summary listing the top four proposals. He reviewed the process used and bids received and recommended that the Commission approve the contract with Jacobs Engineering.

Motion was made by Kathryn Murphy to approve a contract with Jacobs Engineering for assistance in issuing air quality construction permits at a cost of \$96,000. Seconded by Verlon Britt.

Discussion followed regarding the timeframe for issuing a permit; the completeness review process; and registered engineers overseeing and reviewing the work.

Vote on Commissioner Murphy's motion carried unanimously.

CONTRACT AWARDED TO JACOBS ENGINEERING

PROPOSED RULE--CHAPTER 40 AND 43, WATER SUPPLY PERMIT FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be provided copies of the proposed rules at the July meeting. The proposed rules are intended to implement action of the 1995 Iowa Legislature, HF 553, Section 34. This Bill revises existing legislation and rules for assessment of water supply operation permit fees. The rules are designed to generate funds for the water supply program as originally authorized by 1994 Iowa Acts, Senate File 2314, Section 48. The proposed changes include:

- New definitions for "population served" and "service connections" are added to Rule 40.2.
- All community and non-transient non-community water systems will be assessed an annual fee of \$25.00 or \$0.14 per person (whichever is greater).

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- For municipalities the proposed fee is based upon the last official U.S. census population.
- Non transient non-community systems will be assessed based on either the actual population verifiable by the department, or population as calculated by multiplying by an occupancy factor of 2.5 persons per service connection.
- Transient non-community systems will be assessed \$25.00 per year.
- These rules provide for maintenance of primacy of Iowa's Safe Drinking Water Act water supply program. They will produce revenue amounts of \$350,000 during each State fiscal year.
- The fees for water supply construction permits will be eliminated.

The proposed rules allow the Environmental Protection Commission to adjust the fee payment by up to +/- \$0.02 per person served so as to achieve the Legislature's targeted revenue. The Environmental Protection Commission would hold a single public hearing concerning the necessity for making a fee schedule adjustment upward or downward for a particular State fiscal year.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes reviewed that two sessions ago the legislature passed a bill that authorized collection of permit fees from water supply facilities in order to retain drinking water primacy in the state. That law established a fee schedule to provide \$475,000 for FY 95, \$700,000 for FY 96, \$900,000 for FY 97, and \$1.1 million for FY 98. Staff worked with interested parties to develop rules which the Commission subsequently adopted. Those rules established an escalating base fee and a per capita fee for populations over 500 people. The Administrative Rules Review Committee (ARC) delayed the rules and forwarded the issue to a standing committee of the legislature, who passed a law this last session that negated the effect of those rules. They then mandated that the department establish a fee structure that would generate not more than \$350,000 per year and that it be based strictly on a per capita fee basis. It also stated that the minimum fee will be \$25 in transient non-community systems. Mr. Stokes noted that the rules strike fees for construction permits because those fees would not go into the water supply accounts. He added that the proposed rules will incorporate the law changes so the department can begin to charge the fees.

Appointment - Randy Beavers

Randy Beavers, Des Moines Water Works, distributed copies of the following written statement:

**TESTIMONY
AT
ENVIRONMENTLA PROTECTION COMMISSION MEETING
JULY 17,1 995
DES MOINES WATER WORKS
Position**

On IDNR Fee Proposal

Randall R. Beavers
Director of Engineering Services
Des Moines Water Works
Des Moines, Iowa

Background - 1994 Proposal

In November of 1994, General Manager of Des Moines Water Works, Dr. L.D. McMullen, addressed this Commission regarding the water supplier fees proposed by the Iowa Department of Natural Resources (IDNR) to carry out the actions of the 1994 legislature. In that address, Dr. McMullen told you of the industry's effort and willingness to develop a collaborative process, involving utilities, local governments, and IDNR officials, that would meet the challenges of maintaining environmental quality in Iowa.

You also heard of the cooperative effort with IDNR staff in 1994, which resulted in a two-component fee proposal; the two components being: 1) a base fee applicable to all water utilities, and 2) an additional per capita fee to be applied to all systems serving populations of 3,300 or more. The 1994 cooperative proposal was designed such that 75% of the fee revenues would be generated by the base fee component. This allocation of fees followed the allocation of technical services and resources dedicated by IDNR to aid small water systems in the state.

In November 1994, the industry/local government coalition also shared concern about the escalation of fees in future years prior to a congressional effort to reauthorize the Safe Drinking Water Act, under which all utilities must operate. The main concern here was that funding should not be earmarked to meet regulations which were expected to undergo significant change.

Following your approval of the 1994 proposal, in the administrative rules review process, the rules were delayed pending 1995 legislative action concerning water supplier fees. In the final days of the 1995 session, as part of the Agriculture and Natural Resources appropriations bill, new language concerning water supplier fees was enacted.

1995 Proposal

The 1995 legislation removed the two-component fee program and substituted a per capita fee of \$.14, with a \$25.00 minimum fee, to be applied to all water systems. The \$25.00 minimum fee compared to a \$185.00 base fee for all systems proposed in 1994; and the per capita fee of \$.14 compares to the first year per capita fee of \$.04 developed in 1994. The coalition anticipated an opportunity for early input concerning specific details in the draft rule making process as had occurred in 1994. Unfortunately, this opportunity was not given to the utility or local government members of the 1994 coalition.

The proposed rule language before the Commission today removes the cost-benefit allocation achieved in 1994. In fact, the proposed 1995 rule provides that the majority of the fee revenues are to be generated through the \$.14 per capita fee. This approach creates an imbalance in the relationship between fees charged and services received from IDNR, and is proposed despite

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IDNR staff's statement that more than 90% of their technical support budget is for services to small water systems. The U.S. Environmental Protection Agency (EPA) is just concluding a series of initiatives geared toward redeveloping interactive relationships with the industries regulated, and achieving a new regulatory framework that stresses benefits to be gained vs. costs to be incurred. The actions taken by IDNR in this rule making do not appear to be in concert with either of these initiatives established by EPA.

The water supplier fee is only a portion of the total expense incurred by utilities such as Des Moines Water Works to assure compliance with drinking water regulations. Many of the newer and pending drinking water rules, such as the Lead and Copper Rule, Information collection Rule, and Enhanced Surface Water Treatment Rule, have different, more costly provisions which apply to water suppliers servicing populations of 100,000 or more. Des Moines Water Works, for example, operates a certified water quality laboratory with facilities and equipment needed to perform monitoring and analysis required by the drinking water regulations. Operating and depreciation costs for this effort total more than \$550,000 annually.

When the Enhanced Surface Water Treatment Rule is promulgated, EPA estimates utilities such as Des Moines Water Works will undertake an additional \$750,000 in pilot testing costs. Given the current annual costs of \$550,000, Des Moines Water Works will soon be spending as much as \$1.3 million in water quality compliance efforts. Spreading this cost, and the proposed per capita fee, across the city's census population, Des Moines water consumers will pay nearly \$7.00 each ($\$1,300,000 + \$26,600/190,000 = \6.98) to comply with drinking water regulations. This figure is significantly higher than the cost incurred by water suppliers serving 25 people, which are not subject to the regulations that large municipalities are required to comply with. Under the 1995 proposal these small water systems will pass on to their customers a minimum fee of \$25.00 per year, or \$1.00 each ($\$25.00/25 = \1.00).

From this example, it is clear the fees paid by small and large systems in per capita terms vary enormously, and to consider only the impact of a per capita fee independent of the other costs of regulations (many of which apply only to the larger systems) is inappropriate. The 1995 proposal requires large utilities to shoulder the majority of the fees needed to support the department's drinking water program, when these utilities actually receive less than 10% of the technical services delivered. It also does not take into account the roles played by larger utilities which serve as regional water suppliers. In this regional function, larger systems such as Des Moines Water Works are already providing assistance to the smaller systems served by them. With the regional suppliers providing such technical services, the dependence upon IDNR staff and resources is lessened.

Des Moines Water Works' Position

The 104th Congress is expected to resume discussions concerning reauthorization of the Safe Drinking Water Act (SDWA) this summer. In light of this action and the targets set out by EPA in their new drinking water initiatives, Des Moines Water Works urges the Commission's consideration of alternatives to the proposed rules set out today. Alternatives can be developed which more adequately reflect the cost-benefit relationship in IDNR services rendered and

distribute fees accordingly. Additionally, the reinstatement of, and perhaps increases in, construction permitting fees is suggested. These fees have in the past been paid by those benefiting from the new construction covered under the permits. This is one example of a cost-benefit strategy, but construction permitting fees have unexplainable been eliminated in the 1995 draft rule language.

In closing, Des Moines Water Works and other members of the water supplier community stand ready to again work cooperatively with IDNR representatives in this rule making process. Des Moines Water Works has supported IDNR's efforts to retain primacy of the state drinking water program, and looks forward to the opportunity to work toward the common goal of preserving the quality of drinking water for all Iowans.

Mr. Beavers expanded on several points in the above statement.

Mr. Stokes pointed out that the Commission would have the authority to retain the construction permit fee if they chose to do so, but it would have no impact on the per capita fee because those fees would not go into the Water Supply Account. He added that the law states that the department is to generate \$350,000 in fees to go into the Water Supply Account.

Brief discussion followed.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 135, UNDERGROUND STORAGE TANKS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve publishing a Notice of Intended Action on the attached rules at this meeting. These proposed rules amend Chapter 135. The amendments generally clarify and update existing requirements to current departmental policy. The amendments do include new provisions that require tank tags to be returned to the department upon request for failure to comply with tank upgrade requirements, financial responsibility, after permanent or temporary tank closure, or when a tank system is leaking.

**ENVIRONMENTAL PROTECTION COMMISSION[567]
Notice of Intended Action**

Pursuant to the Authority of the Iowa Code section 455B.474, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The proposed amendments are intended to clarify and update existing requirements.

The amendments include a new provision in paragraph 135.3(5)"d" requiring an owner or operator to return their tank's tags upon request of the department for failure to comply with rules 135.3, 135.4, 135.5, 567--Chapter 136, after permanent or temporary tank closure, or when the tank system is leaking.

Any interested party may submit written comments to the attention of Keith Bridson, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319 or by FAX number 1-515-281-8895, no later than September 18, 1995.

There will be one public hearing on these proposed amendments on _____, at _____ in the _____ of the Wallace State Office Building, 900 East Grand, Des Moines, Iowa.

This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.

These proposed amendments are intended to implement Iowa Code section 455B.474.

ITEM 1. Add the following new definitions to 567--135.2(455B):

"Change-in-service" means changing the use of a tank system from a regulated to a non-regulated use.

"Highly permeable soils" means for the purpose of UST closures: fractured bedrock, any soils with a hydraulic conductivity rate greater than 0.3 meter per day, or any soil material classified by the Unified Soil Classification System as published by the United States Department of the Interior or ASTM designation as (1) **GW** - well graded gravel, gravel-sand mixtures, little or no fines, (2) **GP** - poorly graded gravel, gravel-sand mixtures, little or no fines, (3) **SW** - well graded sands, gravelly sands, little or no fines, or (4) **SP** - poorly graded sands, gravelly sands, little or no fines.

"Permanent closure" means removing all regulated substances from the tank system, assessing the site for contamination, and permanently removing tank and piping from the ground or filling the tank in place with a solid inert material and plugging all piping. Permanent closure also includes partial closure of a tank system such as removal or replacement of tanks or piping only.

"Person who conveys or deposits a regulated substance" means a person who sells or supplies the owner or operator with the regulated substance and the person who transports or actually deposits the regulated substance in the underground tank.

"Surface impoundment" is a natural topographic depression, ~~man-made~~ constructed excavation, or diked area formed primarily of earthen materials (although it may be lined with ~~man-made~~ manufactured materials) that is not an injection well.

ITEM 2. Amend paragraph 135.3(2)"a", subparagraph(3) as follows:

(3) Closure requirements under rule 135.9(455B), including applicable requirements of corrective action under rules 135.7(455B) and 135.8(455B).

Replacement or upgrade of a tank system on a petroleum contaminated site classified a high-risk or low risk in accordance with subrule 135.8(3) shall be a double wall tank or a tank equipped with a secondary containment system with monitoring of the space between the primary and secondary containment structures in accordance with 135.5(4)"g" or other approved

tank system or methodology approved by the Iowa comprehensive petroleum underground storage tank fund board.

ITEM 3. Amend paragraph 135.3(5)"b" as follows:

b. The owner or operator of tanks over 1,100-gallon capacity must submit a tank management fee ~~each year of \$65 per tank by January 15 of each year. The first fee of \$15 per tank is due on January 15, 1988. The fee shall increase to \$65 per tank beginning May 5, 1989.~~

ITEM 4. Amend paragraph 135.3(5)"d" as follows:

d. A person who conveys or deposits a regulated substance shall inspect the underground storage tank to determine the existence or absence of a current registration tag. If the tag is not affixed to the fill pipe, the person may not deposit the substance in the tank except as follows in 135.3(3)"j."

ITEM 5. Amend subrule 135.3(5) by adding the following new paragraph "e."

e. The owner or operator must return the tank tags upon request of the department for failure to meet the requirements of rules 135.3, 135.4, 135.5, or 567--Chapter 136, after permanent or temporary tank closure, or when the tank system is suspected to be leaking and the responsible party fails to respond as required in subrule 135.8(1). The department will not return the tags until the tank system is in full compliance with the technical requirements of Chapter 135 and financial responsibility requirements of Chapter 136.136.

ITEM 6. Amend subrule 135.6(4) as follows:

135.6(4) Reporting and cleanup of spills and overfills.

a. Reportable Releases. Owners and operators of UST systems must contain and immediately clean up a spill, or overfill or any above ground release, and report to the department within 24 hours, or within 6 hours in accordance with 567--Chapter 131 if a hazardous condition exists as defined in rule 567--131.1, ~~or another reasonable time frame specified by the department~~, and begin corrective action in accordance with rules 135.7(455B) and 135.8(455B) in the following cases:

(1) Spill, or overfill or any above ground release of petroleum that results in a release to the environment that exceeds 25 gallons, ~~or another reasonable amount specified by the department~~, or that causes a sheen on nearby surface water, impacts adjacent property, or contaminates groundwater; and

(2) Spill, or overfill or any above ground release that results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR 302) as of September 13, 1988.

b. Non-Reportable Releases. Owners and operators of UST systems must contain and immediately clean up a spill, or overfill or any above ground release of petroleum that is less than 25 gallons, ~~or another reasonable amount specified by the department~~, and a spill, and overfill or any above ground release of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, ~~or another reasonable time period established by the department~~, owners and operators must immediately notify the department.

ITEM 7. Amend subrule 135.8(3), paragraph "e," as follows:

e. *Evaluation of natural and ~~man-made~~ constructed conduits.* An evaluation must be made of the potential for all natural and ~~man-made~~ constructed conduits and utility lines located within 100 feet from the contaminated groundwater or soil, to act as contaminant migration pathways.

ITEM 8. Amend subrule 135.8(4), subparagraph "b"(12), as follows:

(12) The contaminated groundwater plume is within 100 feet of the natural or ~~man-made~~ constructed structures or conduits that could allow the vertical or horizontal migration of contaminants to a protected groundwater source that is used as a public or private water source.

ITEM 9. Amend subrule 135.8(8) by rescinding and replacing it with the following:

135.8(8) Contamination corrective action levels. The following corrective action levels apply to petroleum contamination as regulated by this chapter. The contaminant concentrations must be determined by laboratory analyses as stated in 135.10(455B). ~~These~~ The groundwater corrective action levels are based on the maximum contaminant levels (MCLs) established by the United States Environmental Protection Agency (EPA) pursuant to Safe Drinking Water Act.

	Total Organic Hydrocarbon	Benzene	Ethyl Benzene	Toluene	Xylene
Soil	100mg/kg				
Groundwater		5ug/l	700ug/l	1000ug/l	10,000ug/l

Final corrective action determination is not limited to these contaminants. For all other contaminants, the rules for determining the need for corrective action found in 567--Chapter 133(455B) will be used.

ITEM 10. Amend subrule 135.9(1), paragraph "a" as follows:

a. When a UST system is temporarily closed, owners and operators must continue operation and maintenance of the corrosion protection in accordance with 135.4(2), ~~and any release detection in accordance with 135.5(455B), and financial responsibility in accordance with 567--Chapter 136.~~ Rules 135.6(455B) and 135.7(455B) and 135.8(455B) must be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.

ITEM 11. Amend subrule 135.9(1), paragraph "b" as follows:

b. When a UST system is closed for three months or more, owners and operators must notify the department in writing of the temporary closure, return the tank tags and ~~also~~ comply with the following:

- (1) Leave vent lines open and operating; and
- (2) Cap and secure all other lines, pumps, ~~manways~~ accesses, and ancillary equipment.

ITEM 12. Amend subrule 135.9(2), paragraphs "a" and "b" as follows:

a. At least 30 days before beginning either permanent closure or a change-in-service under paragraphs "b" or "c" below, ~~or within another reasonable time determined by the department~~, owners and operators must notify the department of their intent to permanently close or make a change-in-service ~~unless such action is in response to a corrective action.~~

b. To permanently close a tank or piping, owners and operators must empty and clean it them by removing all liquids and accumulated sludge. All tanks taken out of service permanently must also be either removed from the ground or filled with an inert solid material. Piping must either be removed from the ground or have the ends plugged with an inert solid material.

When permanently closing a tank by filling with inert solid material, the tank may not be filled until a closure report is approved by the department. The tank must be filled within 30 days after department approval. The owner and operator must notify the department within 15 days after filling the tank with inert solid material.

ITEM 13. Amend 135.9(2) by adding the following new paragraph "d."

d. Permanent closure procedures must be followed in the replacement of tanks or piping. Notification must be made using DNR form 542-1308, 'Notification of Tank Closure or Change-in-Service'. The form must include the date scheduled for the closure. Oral confirmation of the closure date must be given to the DNR field office 24 hours prior to the actual closure. The required assessment of the excavation zone under 139.9(3) must be performed after notifying the department but before completion of the permanent closure or change-in-service.

ITEM 14 Amend 135.9(3)"a," by amending it as follows:

a. Before permanent closure or a change-in-service is completed, owners or operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting the sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release.

At petroleum sites, the minimum parameters that must be analyzed for are:

1. Soil samples must be analyzed for total organic hydrocarbon (TOH) of the products that have been stored in the tank;

2. Groundwater samples must be analyzed for benzene, toluene, ethylbenzene, and xylene with each compound reported separately.

All such samples shall be collected separately and shipped to a qualified laboratory certified under 567--Chapter 42, PART C, within 72 hours of collection. Samples shall be refrigerated and protected from freezing during shipment to the laboratory.

When an UST is removed from an area of confirmed contamination, the department may waive closure sampling if written documentation is submitted with the closure notification. Documentation should include laboratory analytical reports and a site map showing tank and piping locations along with contamination plume and sampling locations.

ITEM 15. Amend 135.9(3)"b," the first paragraph, as follows:

b. For all permanent tank and piping closures or changes-in-service, at least one water sample must be taken from the first saturated zone via a monitoring well or borehole except as provided in "g." The well or borehole must be located downgradient from and as close as possible to the excavation but no farther than 20 feet.

If, however, the first saturated groundwater zone is not encountered within ten feet of below the tank excavation, the requirement for the groundwater sampling shall not apply unless:

(1) Sands or highly permeable soils are encountered within ten feet below of the lowest level of the tank excavation which together with the underlying geology would, in the judgment of the department, pose the reasonable possibility that contamination may have reached groundwater deeper than ten feet below of the lowest level of the tank excavation. The method of determining highly permeable soil is found in the departmental guidance documents entitled "Underground Storage Tank Closure Procedures for Tank and Piping Removal" and "Underground Storage Tank Closure for Filling in Place."

(2) Indications of potential groundwater contamination, including petroleum products in utility lines, petroleum products in private wells, petroleum vapors in basements or other structures, occur in the area of the tank installation undergoing closure or a change-in-service.

ITEM 16. Amend subrule 135.9(3), paragraph "c", by changing the first paragraph as follows:

c. For permanent closure by tank removal, the departmental guidance document entitled "Underground Storage Tank Closure Procedures for Tank and Piping Removal" must be followed. The minimum number of soil samples that must be taken depends on the tank size and length of product piping. Samples must be taken at a depth of one to two feet beneath the tank fill area ~~approximately three feet~~ below the base of the tank along the tank's centerline. Soil samples must also be taken at least every ten feet along the product piping at a depth of one to two feet beneath the piping fill area ~~approximately three feet~~ below the piping. If sands or other highly . . .

ITEM 17. Amend subrule 135.9(3), paragraph "d", by changing the first paragraph as follows:

d. For closing a tank in place by filling with a solid inert material or for a change-in-service, the departmental guidance document entitled "Underground Storage Tank Closure for Filling in Place" must be followed. The minimum number of soil borings required for sampling depends on the size of the tank and the length of the product piping. Soil samples must be taken within five feet of the sides and ends of the tank at a depth of two to four feet ~~approximately three feet~~ below the base of the tank, but outside the backfill material at equal intervals around the tank. Soil samples must also be taken at least every ten feet along the product piping at a depth of one to two feet beneath the piping fill area ~~approximately three feet~~ below the piping.

If sands or other highly permeable soils are encountered, alternative sampling methods may be required. . . .

ITEM 18. Amend subrule 135.9(3), paragraph "e", by changing as follows:

e. A closure report must be submitted to the department within 45 days of the tank removal or sampling for a closure in place. ~~30 days of completion of soil and water sample analyses.~~ The report must include all laboratory analytical reports, soil boring and well or

borehole construction details and stratigraphic logs, and a dimensional drawing showing location and depth of all tanks, piping, sampling, and wells or boreholes, and contaminated soil encountered. The tank tags must be returned with the closure report.

ITEM 19. Add the following new subrule, 135.9(7).

135.9(7) Applicability to Pre-1974 USTS.

The closure provisions of rule 135.9 are applicable to USTs which have contained a regulated substance at any time since December 31, 1973. If the owner indicates the tank has not contained a regulated substance since December 31, 1993, the department may require submission of an affidavit documenting a tank's operating history.

The person submitting the affidavit must conduct a reasonable investigation to support the statements in the affidavit. The investigation requires a determination of the current contents of the underground tanks and may require investigation of prior owners, operators and other interested parties to determine the operational history of the underground tanks. If the department has a reasonable basis to suspect a release has occurred, the release investigation and confirmation steps of subrule 135.8(1), and the corrective action requirements as provided in 135.7 and 135.8 shall apply.

ITEM 20. Amend subrule 135.10(1) as follows:

135.10(1) General. When having soil or groundwater analyzed for petroleum or hazardous substances, owners and operators of UST systems must ensure appropriate and accurate analytical procedures are used. In addition, they must ensure that all soil and groundwater samples are properly preserved and shipped within 72 hours of collection to a laboratory certified under 567--Chapter 42, PART C, for UST petroleum analyses. This rule provides acceptable analytical procedures for petroleum substances and required information that must be provided in all laboratory reports.

ITEM 21. Amend paragraph 135.10(2)"a" by the following.

a. Laboratory name, address, and phone number and Iowa laboratory certification number. If analytical work is subcontracted to another laboratory, the analytical report from the certified lab which analyzed the sample must be submitted and include the information required in this subrule..

ITEM 22. Amend subrule 135.10(2) adding the following new paragraphs "p," and "q."

p. Condition in which the sample was received at the laboratory and whether it was properly sealed and preserved.

q. Note that analytical results are questionable if a sample exceeded an established holding time or was improperly preserved. (The recommended holding time for properly cooled and sealed petroleum contaminated samples is fourteen days, except for water samples containing volatile organic compounds which have a seven day holding time unless acid preserved.)

ITEM 23. Amend subrule 135.10(3) as follows:

135.10(3) Analysis of soil and water for high volatile petroleum compounds (i.e., gasoline, benzene, ethylbenzene, toluene, xylene). Sample preparation and analysis shall be by

Method OA-1, "Method for determination of Volatile Petroleum Hydrocarbons (gasoline)," revision 7/27/93 ~~7/1/91~~, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 5030, 8000, and 8015, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-1 are available from the department.

ITEM 24. Amend subrule 135.10(4) as follows:

135.10(4) Analysis of soil ~~and water~~ for low volatile petroleum hydrocarbon contamination (i.e., diesel fuel, kerosene, oil, and mineral spirits). Samples preparation shall be by OA-2, "Determination of Extractable Petroleum Products, (and Related Low Volatility Organic Compounds)," revision 7/27/93 ~~7/1/92~~, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 3500, 3510, 3520, 3540, 3550, 8000, and 8100, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-2 are available from the department.

Mr. Stokes reviewed the rules which update language changes. He added that the rules do not address anything in the way of Risk Based Corrective Action noting that there is a technical advisory committee working on a report and proposals to cover those issues. Their report and recommendations will come before the Commission later this year.

Motion was made by William Ehm to approve Notice of Intended Action --Chapter 135, Underground Storage Tanks. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 47, GRANTS TO COUNTIES PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be asked to approve publishing a Notice of Intended Action on the attached proposed amendments to Chapter 47. The proposed rules are intended to implement Senate File 215 enacted during the recently ended legislative session. This legislation changes the existing Grants to Counties program by combining the funding previously separated between the well testing and well closure programs into a single funding source, providing for a single grant application covering both the well testing and well closure aspects of the program, and including well sealing and closure of cisterns as grant eligible activities.

The proposed rules amend current rules by:

- Revising language to allow for a county applying for grants under the Agricultural Management Account program (455E.11, subsection 2) to submit a **single grant application**.

- Creating a definition of and a program for administration of grants for **rehabilitation of private water wells**, so as to adhere to departmental construction standards (Chapter 49).
- **Grammatical** and minor technical corrections necessary since the grant program onset (1989).
- Allowing **cisterns** in need of closure to be eligible for reimbursement under the private abandoned well closure program as allowed by state law.

During each state fiscal year, the amount granted each eligible applicant is the total funds available divided by the number of eligible counties applying. Upon receipt of the grant, the county may apply funds to any one or more of the above three programs.

The proposed rules were prepared in consultation with the Iowa Department of Public Health, the Iowa Environmental Health Association, and the Iowa Water Well Association.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes explained the rules in detail. He noted that the public hearing dates were incorrectly listed in the rule as August 2 and 4, and they should be changed to September 7 and 8. Also, on Page 5, under 47.16(2)"b"(3), it should show \$600 per well rather than \$200 per well. The same monetary correction should be made on Page 6, under 47.17(7).

Charlotte Mohr asked, in reference to Page 3, under "Eligibility," why applications must be submitted by a county board of supervisors. She suggested adding "or county board of health."

Mr. Stokes explained that the county board of supervisors are looked upon as the county authority for grants to counties, and the county health departments are a subset under the county supervisors. He further explained that it puts the authority with the county board of supervisors who are the appropriate responsible officials.

Motion was made by Terrance Townsend to approve Notice of Intended Action--Chapter 47--Grants to Counties Program. Seconded by William Ehm.

Discussion followed regarding the scheduled public hearings and it was the consensus of the Commission to hold only one public hearing and have it in Des Moines.

Vote on Commissioner Townsend's motion carried unanimously.

APPROVED WITH MODIFIED PUBLIC HEARING SITE

FINAL RULE--CHAPTER 117, WASTE TIRES

July 1995

Environmental Protection Commission Minutes

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt the attached as final rules. These rules address waste tire storage and processing facilities as required by law. In 1992 the legislature amended 455D to require rules for the permitting of tire storage and tire processing sites and to also require that persons owning or operating such sites have financial assurance.

These rules amend Chapter 117 to require owners or operators of waste tire storage or processing sites who store over 500 tires to obtain a permit. Before the department can issue a permit, the owner or operator must submit a financial assurance instrument in an amount equal to 85 cents per tire for the number of tires over 500 to be stored.

ENVIRONMENTAL PROTECTION COMMISSION [567] Final Rule

Pursuant to the authority of Iowa Code sections 455B.304, 455D.11, 455D.11A, and 455D.11B, the Environmental Protection Commission proposes to adopt amendments to Chapter 117, "Requirements for Waste Tire Facilities," Iowa Administrative Code.

These rules establish regulations required by the above-cited Iowa Code provisions related to waste tire storage and processing sites.

A public hearing was held on May 25, 1995 in Des Moines. A total of 40 comments were received at the hearing or received in writing prior to the hearing. Minor revisions were made resulting from the comments: Where "operator" was used, it has been replaced with "owner or operator" to clarify that either could apply for the permit. Where "site" and "facility" were used interchangeably, "site" is now used exclusively. The application for a permit for an existing tire storage site is required to include a schedule for complying with the rule. Local fire codes will apply relating to tire pile size, number of tires, fire lane width, etc. and if the site is not covered by a fire code, the rules apply. The basis for number of tires that can be stored on a processing site was changed from 300 hrs. of operation to 100 hrs. of operation. The financial assurance requirements do not apply to state, county, or city agencies operating a site or landfills operating a site in conjunction with a landfill operation. There were other minor changes for clarification.

These amendments are intended to implement Iowa Code sections 455B.301 to 455B.307 and 455D.11 to 455D.11B.

The amendments may economically impact small businesses.

The following amendments are proposed.

ITEM 1. Change rule 117.2(455B,455D) as 117.1(455B,455D), delete the definition of "Tire", add the following new definitions in alphabetical order, and amend the definition of "Waste tire", as follows:

"Permit" means a permit issued by the department to establish, construct, modify, own, or operate a tire storage or processing site.

"Processing" means producing or manufacturing usable materials from waste tires.

"Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

"Tire collector" means a person who owns or operates a site used for the storage, collection, or deposit of more than 500 waste tires.

"Tire processor" means a person engaged in the processing of waste tires.

"Waste tire" means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. "Waste tire" does not include a non-pneumatic tire.

"Waste tire collection site" means a site which is used for the storage, collection, or deposit of waste tires.

ITEM 2. Adopt a new rule 117.2(455B,455D), as follows:

567-117.2(455B,455D) Permit requirements and conditions.

117.2(1) Applications for storage, collection or processing.

a. Application for a permit must be made on a form provided by the department and must be accompanied by the following:

(1) A map showing the site proposed to be used for the storage, collection or processing of tires, the property boundaries of the site and the location of any structures or other improvements within 1000 feet of the site boundary.

(2) A site closure plan that describes the actions that would be taken to remove all wastes, including processing residuals and unprocessed tires, and identifies the final disposition of all such wastes should the permitted site cease operation for whatever reason.

(3) A vector control plan that details the methods and procedures that will be used to prevent and control infestations of mosquitoes and rodents.

(4) A financial assurance instrument that fully complies with rule 117.3(455B,455D).

(5) A certified check in the amount of \$850 for the first year of operation. A fee of \$850 shall be paid annually by July 1 of each year after issuance of a permit, until the operation ceases and is properly closed. Failure to remit an annual fee terminates the permit, and the site shall be properly closed in accordance with subrule 117.3(2), paragraph "d."

b. Reserved.

117.2(2) Storage and disposal of waste tires.

a. No person shall have more than 500 waste tires on one property or on numerous properties under their ownership, management or control unless they have a current storage permit from the department of natural resources. Persons who actively use waste tires for a specific, beneficial purpose or temporarily store waste tires as part of an ongoing beneficial reuse may obtain a variance from the requirement to have a permit, upon written application. Appropriate conditions may be placed on the storage or use of the tires, as a part of any variance.

b. Owners or operators of new waste tire storage and tire processing sites must obtain a permit from the department before initiating operation.

c. Owners or operators of waste tire storage and processing sites in existence at the time of adoption of this rule must apply for a permit no later than *(one year after the effective date of this rule - date to be inserted upon final adoption)*. Permits issued for existing sites shall contain a schedule with the earliest practical date for attaining full compliance with this rule. In no case shall the compliance date be later than December 31, 1999. The permit applications must include a schedule for complying with this rule at the earliest practical date but no later than the date stated above in this paragraph. The one-year period allowed for submitting an application by owners or operators of existing waste tire storage or tire processing sites is for the purpose of providing the responsible party a reasonable period of time to acquire and submit proof of financial responsibility as required by rule 117.3(455B,455D).

d. Any person choosing not to continue the maintenance or operation of a waste tire storage site that is in existence on the effective date of this rule shall have properly removed all tires from the site within the one-year period allowed for submitting a storage permit application. If the removal process is well under way, but not fully completed within the one-year period, the department may, upon request, issue a temporary permit for the exclusive purpose of completing the removal. The additional time period granted in this manner shall not exceed six months and the temporary permit can not be renewed.

e. Aboveground storage, open area.
Local fire code requirements must be met. If the site is not covered by a fire code, the following subparagraphs 1 through 6 apply.

- (1) No single tire pile shall contain more than 50,000 cubic feet of waste tires.
- (2) The highest (vertical) dimension of any tire pile shall not exceed 10 feet.
- (3) The largest surface area covered by a pile shall not exceed 5,000 square feet.
- (4) Fire lanes having a minimum width of 40 feet. must be maintained between any two tire piles.
- (5) Fire lanes having a minimum width of 20 feet must be maintained between any tire pile and any structure, a property line, and a street.
- (6) The perimeter of the site must be posted with signs prohibiting burning within 300 feet of a tire pile. Perimeter signs must be not more than 100 feet apart with lettering that is readable at a distance of 100 feet.
- (7) The storage site must be secured from unauthorized access by a chain link fence and gates or an equivalent method.
- (8) The site must be graded and bermed to prevent any run-on of precipitation and to prevent any standing pools of water on the site.

f. Aboveground storage, enclosed area.
Local fire code requirements must be met. If the site is not covered by a fire code, the following subparagraphs 1 through 6 apply.

- (1) To qualify as an enclosed area, the structure must have a permanent roof and adequate lateral protection to prevent precipitation entering the tire storage area.
- (2) No storage structure within a city's corporate limits shall contain more than 50,000 cubic yards of tires.
- (3) No storage structure located within 1000 feet of any other structure or facility shall contain more than 50,000 cubic yards of tires.
- (4) No combustible materials or volatile chemicals may be stored in a building permitted for tire storage.

- (5) The storage site must be secured from unauthorized access.
- (6) The perimeter of the site must be posted with signs prohibiting burning within 300 feet of the building. The signs must be not more than 50 feet apart and must be readable at a distance of 100 feet.

g. Underground storage.

(1) To qualify as an underground tire storage area for purposes of this rule the area must not be subject to seepage or direct entry of surface or groundwater, it must be secure from entry by unauthorized persons and it cannot be used for the storage of combustible materials or volatile chemicals.

(2) Underground sites shall have access lanes, not less than 20 feet in width, arranged in a such a manner that no point in the tire storage area is more than 150 feet from an access lane.

117.2(3) Processing.

a. Application for a processing permit must be made on forms provided by the department. The application must be accompanied by a map showing the area to be used as a processing site, the property boundaries of the site and the location of any structures or improvements within 1000 feet of the property boundary. If the processing equipment is portable and may also be used to process tires on property owned or controlled by the processor as well, the site map referred to above need not be submitted only for that property.

b. The application must be accompanied by shop drawings, data sheets or similar documents that clearly show the process method and associated appurtenances including the capacity of the process.

c. Permits will normally be issued for a period of five years. An application for renewal shall be filed at least 90 days prior to the expiration date. Failure to remit the annual permit fee specified in subrule 117.2(1)"a"(5) prior to the expiration of the permit will terminate any further consideration of the renewal application.

d. Any process that will or may result in air emissions, or a liquid discharge from the site, must comply with all applicable regulations, including specific permits required by air or water quality rules of the state.

e. Any person having a current tire-processing permit may store tires on the processing site without a separate storage permit subject to the following limitations:

- (1) All the rules in this chapter pertaining to storage, including financial assurance, are complied with, except possession of a separate permit.
- (2) The number of tires in storage on site does not exceed the amount that can be processed in 100 hours of operating time.

(3) The processing equipment must have operated and successfully processed tires for a minimum of 500 hours during the most recent six-month period.

f. Processed tire products on site may not exceed six months' processing capacity unless a different limitation has been specified in the permit. Such exceptions shall not be granted by the department unless the permittee has requested a different limitation with appropriate justification showing why an occasional exceedance may be necessary for normal business operations.

ITEM 3. Adopt a new rule 117.3(455B, 455D) as follows:

567-117.3(455B,455D) Financial assurance requirements.

117.3(1) No permit can be issued by the department to the owner or operator of a tire processing site or a waste tire storage site until a financial assurance instrument, as required by

this rule, has been submitted to the department. This financial assurance instrument shall not apply to waste tire storage or processing sites operated by state, county, or city agencies or operated in conjunction with a sanitary landfill. The one-year period allowed for submitting an application by owners or operators of existing waste tire storage or tire processing sites is for the purpose of providing the responsible party a reasonable period of time to acquire and submit proof of financial responsibility as required by this rule.

117.3(2) Financial assurance may be provided by cash, surety bond, letter of credit, or a secured trust fund.

a. A surety bond must be written by a company authorized by the commissioner of insurance to do business in this state. The bond shall be in a form approved by the commissioner of insurance and shall be payable to the department of natural resources.

b. The bond must be continuous until canceled by the surety. Written notice of intent to cancel the bond must be provided to the owner or operator and the department at least 90 days before the effective date of the cancellation.

c. Within 30 days of receipt of a written notice of cancellation the owner or operator must provide the department an alternative financial assurance instrument. If a means of continued financial assurance is not provided within that 30 days, the department will suspend the permit.

d. The owner or operator shall perform proper closure within 30 days of the permit suspension. For the purpose of this subrule, proper closure means the removal of all tires and related products from the premises.

e. If the owner or operator does not properly close the site within the 30-day period allowed, the department shall file a claim with the surety company to collect the amount of the bond necessary to properly close the site.

117.3(3) Any financial assurance instrument provided to the department in compliance with this rule must be payable to the department and must remain in continuous effect until the director of the department gives written notification to the owner or operator and the surety provider that the covered site has been properly closed. An owner or operator who elects to terminate a permitted activity, or whose renewal application has been denied, or whose permit has been suspended or revoked for cause must submit a schedule within 30 days of the termination of the permit for completing proper closure of the terminated activity. Closure completion cannot exceed 180 days from the date of termination or the permit.

117.3(4) The director may request payment from any surety provider for the purpose of completing closure when any of the following circumstances exist.

a. The owner or operator is more than 15 days late in providing a schedule for closure or for meeting any date in the schedule for closure.

b. The owner or operator declares an economic inability to comply with this rule, either by written notification to the director or through an action such as a bankruptcy filing.

117.3(5) The amount of the financial assurance instrument to be provided and maintained by a permittee is as follows:

a. An application for a storage site must have a financial assurance instrument equal to 85 cents per tire listed as the maximum storage capacity being requested in the permit application.

b. An application for a processing site must have a financial assurance instrument equal to 85 cents per tire for each tire on site that is in excess of 72 hours of capacity of the processing equipment.

ITEM 4. Adopt a new rule 117.4(455B,455D) as follows:

567-117.4(455B,455D) General requirements.

117.4(1) A person who contracts with another person to transport more than 40 waste tires is required to contract only with a person registered as a waste tire hauler pursuant to Iowa Code section 9B.1.

117.4(2) Land disposal, including landfilling, of tires is prohibited unless each tire is processed by shredding or, at the minimum, cut into pieces that are not more than 18 inches on any side.

117.4(3) A person who transports waste tires for final disposal is required to dispose of the tires only at a permitted sanitary disposal facility.

These rules are intended to implement Iowa Code sections 455B.301 to 455B.307 and 455D.11 to 455D.11B.

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes briefly reviewed the rules and public responsiveness summary. He stated that in reference to the comment made during Public Participation by Jane McAllister about bringing the landowner under the umbrella, it is not the intent of staff to apply the rules to innocent landowners. He indicated that the Commission could adopt the rule and build in specific language stating the landowner is not responsible but it could be used as a loophole to someone trying to work the system. He noted that if people begin to use it as a loophole it could be dealt with in future language modifications.

Discussion followed regarding the language changes suggested by Ms. McAllister.

Jane McAllister explained that her first language proposal addresses the type of situation that her client is in whereby he has sold his property on contract. She further explained that her second language proposal addresses her clients situation but also adds protection to banks, lending institutions, and mortgage holders, etc.

Mike Murphy stated that it is difficult to pin down the responsible person by adding one sentence. He noted that each specific case varies as to the legalities. He added that staff preference would be to leave the language as written and let case law and interpretations govern each specific case.

Mr. Stokes stated that the Commission has three options as follows: 1) adopt the rules as presented; 2) use both revisions offered in Ms. McAllister's comments; or 3) use the second language comment provided by Ms. McAllister.

Discussion followed regarding who specifically is held responsible in these situations.

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Ms. McAllister stated that the rules should apply to the activity on the property, not to the landowner.

Further discussion took place regarding the rights of a property owner when buying on contract; definition of a tire collector; and staff concern with placing loopholes in a rule.

Motion was made by Kathryn Murphy to adopt Final Rule--Chapter 117, Waste Tires as presented. Seconded by Gary Priebe.

Verlon Britt commented that if the rule language is going to be clarified it would be advantageous to write it in at this time.

Verlon Britt moved to amend Commissioner Murphy's motion to add the second language proposal offered by Jane McAllister, which reads: "These rules do not apply to a person who holds indicia of title to a waste tire collection or processing site and who does not exhibit managerial control of, or managerial responsibility for, the daily operation of the tire collection or processing site through the actual, direct, and continual or recurrent exercise of managerial control over the site." Seconded by Michael Fesler.

Chairperson King requested a roll call vote on Commissioner Britt's amendment. "Aye" vote was cast by Commissioners Townsend, Britt, Draeger, Fesler, Mohr, and King. "Nay" vote was cast by Commissioners Priebe, Ehm, and Murphy. Motion carried on a vote of 6-Aye to 3-Nay.

Chairperson King requested a roll call vote on Commissioner Murphy's motion as amended. "Aye" vote was cast by Commissioners Townsend, Britt, Draeger, Ehm, Fesler, Mohr, and King. "Nay" vote was cast by Commissioners Murphy and Priebe. Motion carried on a vote of 7-Aye to 2-Nay.

APPROVED AS AMENDED

REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)

Harold Lee

Mr. Murphy stated that staff will delay this case for thirty days.

DELAYED

Ron Mumby

Mr. Murphy briefed the Commission on this case involving open dumping of solid waste.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

Jody Beaver

Mr. Murphy briefed the Commission on the history of this case regarding open burning and solid waste violations.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Verlon Britt. Motion carried unanimously.

REFERRED

ESCORP Associates, Ltd., et al

Mr. Murphy briefed the Commission on this case involving air quality violations in relation to asbestos removal. He related that there is currently three lawsuits with respect to Economy Solar Corporation and it's principals. He noted that additional lawsuits involve the asbestos removal at the Kryotec facility in Ft. Madison in 1995 where inspection disclosed numerous work practices violations and asbestos debris throughout. Similarly, in the Central Community School District the companies were retained to remove asbestos in 1993, and when it came time to demolish the building in 1995 it was determined that everything was not removed. They then proceeded to do more removal in 1995 but failed to notify the department. Subsequently, the department learned of the activities and inspected it in March 1995 and found numerous operation violations.

Discussion followed regarding what responsibility the school district would have and the time elapsed between the time of complaint and time of inspection.

Appointment - Paul Hughes

Paul Hughes, American Asbestos Training Center, addressed the Commission stating that he wrote the design for the asbestos removal for Central Community School District. He noted that his client contact was Mr. Richard Polansky, who told him to leave the asbestos board in the windows for security so kids couldn't get in the building. He related that is why it has been there for two years. He stated that in 1993 they removed all of the asbestos and thought the building was going to be torn down within 30 days because the city was going to buy it, but the city never did. Mr. Hughes indicated that a year-and-a-half later Mr. Polansky inquired as to what should be done and he instructed Mr. Polansky to do the demolition notification. He related that sometime between the year-and-a-half someone broke the asbestos board on the

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windows and he does not know anything about it as he has not been there. He asked that time be allowed to gather facts and find out who the players are before sending the case to the Attorney General.

Mr. Murphy stated that the primary problem is with ESCORP and staff feel the Attorney General can best sort out the facts because of the prior history of the case. He related that ESCORP is the same as Economy Solar Corp. but they changed their name because they got into some legal problems with DNR.

Discussion followed regarding the various parties involved and the fact that there have been prior referrals for these parties; the number of penalty days involved; and who was responsible for the proper notifications to the department.

Motion was made by Verlon Britt for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

Rozanne King stated that the Commission has been invited to tour some large scale hog confinements some time and may want to give that some consideration.

Waste Tire Rules

Gary Priebe stated that the Commission today changed the tire rules for one person, in one specific case, and he has a problem with that. He related that the Commission has never addressed any of the other landowner problems, such as UST owners, etc. He stressed that he wants to protect innocent landowners but has a problem in doing it for person in one specific case.

City of West Des Moines - Sewage Leak

Gary Priebe asked if anything is going to be done with the City of West Des Moines in regard to the sewage leak that recently occurred.

Director Wilson stated that the course of action the department will probably take is contrary to what was in the newspaper. Mr. Stokes added that most likely some form of enforcement action will be taken.

Leopold Center

Charlotte Mohr asked if anyone will be appointed to represent the EPC on the Leopold Center Board to replace Clark Yeager.

Kathryn Draeger volunteered to serve as the Commission's liaison and Director Wilson stated that he will notify the center of same.

Tire Chop - Ft. Dodge

Discussion took place regarding Tire Chop and Mr. Stokes informed the Commission that the department is considering enforcement action against Tire Chop and expanded on points of possible violations.

Director Wilson discussed the visit he, Al Stokes, and Commissioner Priebe made to Don Grell's facility and he clarified what was approved during that visit. He noted that they did not tell him he could go out in the field and start burying tires. Mr. Grell was told that tires could be used only for experimental use on the side walls of the landfills and on some of the leachate fields. Director Wilson noted that Mr. Grell gave him a Tire Chop inventory through 6/26/95 which indicates that the total number of tires that have been moved out is 2,562. Mr. Wilson expressed concern that many more tires may be coming in than are going out and wanted the Commission to be advised of that concern.

ADDRESS ITEMS FOR NEXT MEETING

Charlotte Mohr asked that the Commission be provided a map of where the large scale hog confinements are located in Iowa and the size of each facility.

NEXT MEETING DATES

August 21, 1995
September 18, 1995
October 16, 1995

ADJOURNMENT

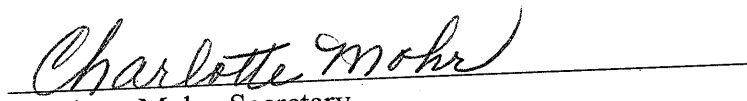
With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 3:55 p.m., Monday, July 17, 1995.

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Larry J. Wilson, Director


Rozanne King, Chair


Charlotte Mohr, Secretary

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